

PROPOSED ALTERATION
OF THE
SCOTTISH POOR LAWS,

AND OF

THE ADMINISTRATION THEREOF,

AS

STATED BY DR. ALISON, IN HIS "OBSERVATIONS ON THE MANAGEMENT
OF THE POOR IN SCOTLAND,"

CONSIDERED AND COMMENTED ON.

BY

DAVID MONYPENNY, Esq.

OF PITMILLY,

FORMERLY ONE OF THE SENATORS OF THE COLLEGE OF JUSTICE.

EDINBURGH:

WILLIAM WHYTE AND CO.

BOOKSELLERS TO THE QUEEN DOWAGER,

W. COLLINS, GLASGOW; J. DEWAR, PERTH; A. BROWN & CO., AND
P. GRAY, ABERDEEN; HAMILTON, ADAMS, & CO., LONDON.

MDCCCXL.

339
M7G9P

ADVERTISEMENT.

IT is proper to state, that the following pages were printed, and the proof-sheets revised, before I had an opportunity of reading in the newspapers the proceedings and resolutions of ‘ a Meeting of Noblemen and Gentlemen connected with different Districts and Counties of Scotland,’ held at Edinburgh, on the 20th April current, of which the Earl of Lauderdale was preses. These Resolutions detail the means ‘ for obtaining an *official* inquiry into the Pauperism of Scotland,’ proposed by the Association lately formed in the métropolis; and the object the Association has in view, of ‘ *petitioning Government* to appoint able, ‘ trustworthy, and responsible persons to carry forward and complete ‘ the investigation.’ The Resolutions of the meeting on the 20th declare it to be the sense of the meeting, ‘ that the means of inquiry already existing in Scotland are sufficient,’ and clearly express the grounds on which an application to Government is objected to. It being now too late to notice this subject in the Treatise, I adopt this method of expressing my entire concurrence in the resolutions of the meeting of the 20th current. Government has itself repeatedly, and particularly on a very recent occasion, set an example of the method which ought to be adopted, for obtaining information of the description wanted. By means of an application to the General Assembly, a Report ‘ on the Management of the Poor in Scotland,’ was obtained in May 1839, as the result of the answers to queries, ‘ transmitted to the Ministers of the several Parishes in Scotland, and the chief Magistrates of the principal Burghs.’ This Report, I may venture to say, (although I was an humble Member of the Committee by which it was drawn up), contains a faithful and impartial statement, on the correctness of which the country will place reliance; thus is the proper course pointed out of procuring any additional information on this important subject that may seem necessary.

It is also proper to mention, that I have not, as yet, had an opportunity of seeing the new and enlarged edition of Dr. Alison’s ‘ Observations.’

PITMILLY, April 22, 1840.

PROPOSED ALTERATION,

&c.

VINCENT

—SCOTTISH LITERATURE

INTRODUCTORY OBSERVATIONS.

OPINIONS have, of late, been expressed, both publicly and in private, with regard to the management of the Poor in Scotland, which, if allowed to spread unanswered and without contradiction, threaten to overthrow our long cherished and generally valued system of Poor Laws.

In former times, and until a very recent period, the danger incurred by our institutions and usages for the maintenance of the Poor, was of a totally different description from that with which they are now menaced. The excellence of the system was generally, and almost universally, acknowledged. But, in particular parishes, the population and the number of paupers in which, had greatly increased, and in parishes situated in the vicinity of the English border, where a compulsory assessment is established, a difficulty was experienced, in obtaining, by means of voluntary contributions, the requisite funds. This difficulty was, in many instances, long and successfully struggled against, but in other cases it was too easily yielded to, and the tempting remedy of assessment was, with too much frequency, applied. Hence arose the risk which the system ran of being gradually and almost imperceptibly worn out, by a regular but slow decay, while its superior advantages were, all the time, undisputed and candidly acknowledged. It was against such insidious attacks as these—against the prevalence of bad example, and a yielding to temptation, that the friends of our institutions for the relief of the Poor armed themselves, and warned the public.

This tendency to assessment, however, as ought to be particularly remarked, did not interfere, in the smallest degree, with the other important and distinguishing features of the Scottish system. No legal and statutory provision for able-bodied labourers was proposed. No increase of the usual allowances for the Poor, to be adjusted on principles differing from those on which they have heretofore been fixed, was contemplated. No purpose was manifested of dispensing with, or of becoming independent of, the valuable and gratuitous services of our kirk-sessions, by employing hired agents, in managing these affairs.

But now the case is entirely altered. Without perhaps venturing to dispute the advantages of our usages in some particulars, it is positively denied by many, that in other important points these usages are founded on just principles. And it is further contended, that the system is ill suited for the present times, and ought to be entirely discontinued. It is seriously proposed that an uniform assessment be imposed in all the parishes throughout the country without exception;—that able-bodied labourers, when out of employment, shall have a right to relief established by law;—that work-houses shall be erected in the towns, and in certain country districts;—that the amount of allowances shall be largely increased, and put on a different footing from that on which they at present stand;—and that these important affairs shall be placed under the management of paid inspectors and agents.

The mere enunciation of these projected innovations, will sufficiently point out the necessity of the public being cautious and wary in listening to the notions thus afloat, on a subject so important to the peace and welfare of the nation. Much and serious deliberation will not be misapplied or thrown away, when the object of it is a plan for the instant destruction of institutions, under the influence of which, for ages, the country has flourished, and the wisdom of which has been proclaimed by writers and others, of the greatest knowledge and experience.

It is under these circumstances that I would venture to sound the alarm, and to warn my readers of the impending danger. In 1834 I published a Treatise, entitled, ‘Remarks on the Poor Laws, and on the method of providing for the Poor in Scotland,’ the object of which was to invite attention to the superior advantages

P21868

A

of our system, and to guard against the tendency to assessment, then observed to prevail in certain parishes particularly circumstanced. After this Essay had been printed, the 'Report from his Majesty's Commissioners for inquiring into the Administration and Practical Operation of the Poor Laws' in England was published 'by authority'; and as this Report was found to confirm my statements and arguments in a remarkable degree, I put forth a second edition, containing many additions and alterations, in several new chapters. I had afterwards the satisfaction of learning, that my endeavours to elucidate and support the Scottish system, were approved of by the General Assembly of the Church of Scotland, who were pleased, in May 1839, by their moderator, to convey to me their thanks for my 'work on the Poor Laws,' and to express an opinion that 'it cannot fail to be highly beneficial in the instruction it is calculated to afford to the parochial courts entrusted with the management of the poor.'¹

My motives for mentioning these circumstances, on this occasion, cannot be misunderstood. *First*, It affords me an opportunity of thus publicly making my grateful acknowledgments, for the favourable reception which my labours have met with, from the venerable Assembly. *Secondly*, It unfolds the real inducement for my interference, which, without this explanation, might appear to be officious, at a time when a prospect has opened of the whole subject being carefully examined by a most respectable and learned association in the metropolis. And, *thirdly*, It serves, at the same time, to point out the limits within which the present Essay is to be confined. Having formerly ventured on the wide field which embraces the explanation and discussion of the Poor Laws of Scotland, and of the administration of these laws, I shall avoid as much as possible a repetition of any thing which has been already brought forward by me, on these topics; and contenting myself with a reference to what has been stated elsewhere and at large, I shall limit this investigation to the precise and particular subject of inquiry, viz. an examination of the merits or demerits of the new plan now under consideration. One main object formerly was, to furnish arguments against a prevailing leaning to compulsory assessment in the management of the poor. The present purpose is to contribute my mite to an attempt to rescue the whole of the institution from impending destruction.

DIFFICULTY WHICH OCCURS IN THE OUTSET.

In the commencement of this inquiry, a most formidable difficulty arises, from an incidental circumstance, which does not necessarily, or, as I venture to think, naturally belong to it. Very great and appalling distress, accompanied by malignant and contagious fever, prevails, and it appears, has long prevailed in Edinburgh and in Glasgow. Dr. Alison, in an Essay equally distinguished for its lucid exposition of facts, the truly philanthropic spirit which pervades it, and the powerful and resistless arguments with which a cure for so serious an evil is enforced, has connected this subject with a proposal to subvert the system established by law, in Scotland, for the maintenance of the poor, and to introduce in its place, institutions founded on totally different principles. So plainly is this object declared in his treatise, so fairly spoken out, that his 'Observations' may be used as the text, which embraces and comprehends the whole scheme in view.

Now it will not for an instant be imagined, that when seriously and most anxiously remonstrating against the abolition of our own system of poor laws, and the substitution of that of England in its place, I purpose either to dispute the facts asserted on authority entitled to implicit credit, or to deny that these facts demand the most serious attention of the public. It will not be doubted that I entirely and cordially go along with the generous and benevolent feelings, which have already actuated the public of the metropolis, to institute an inquiry into this most interesting subject, and to establish a Committee of Management, with the view of providing a remedy for the evil complained of. It is natural, on occasion of a local, and, it is trusted, temporary pressure, to call to mind the measures which, at different periods, when the poor were reduced to extremities, were adopted, particularly in Glasgow, in order to afford relief. On only one of these junctures, was applica-

¹ Manuscript Letter from the very Reverend Dr. Henry Duncan, moderator, 27th May 1839.

tion made to Parliament to tax the inhabitants; and this plan was so vehemently opposed, that the Magistrates withdrew the bill. The crisis, on all the other occasions, was got over without the necessity of legislative interference, even of a temporary nature.¹ It is reasonable also to pay attention to the particular circumstances attending the City of Edinburgh, at present, as detailed by Dr. Alison,² which have for the time diminished the amount of funds provided in the metropolis for the ordinary poor, and which distinguish the case under consideration, as being one marked by special circumstances, and demanding a peculiar remedy. And this view of the matter is strongly confirmed, when it is attended to, that the present complaint of our system has been made, with reference to places in which an assessment already prevails, and in which alone, in all Scotland, with one single exception, work-houses are to be found. Further, it is asserted by Dr. Alison, 'that the higher ranks in Scotland do much less (and what they do, less systematically, and therefore less effectually) for the relief of poverty and sufferings resulting from it, than those of any other country of Europe which is really well regulated; and much less than experience shews to be necessary in any long inhabited and fully peopled country, in order that the lower ranks may be maintained in tolerable comfort, and a proper foundation laid for their religious and moral improvement.'³ Already has he seen that he has no ground for apprehension, that he can suffer in the estimation of his countrymen, 'on account of having pointed out this truth.' On the contrary, all feel under deep obligations to him in this respect; and there cannot be a doubt, that his appeal to the quarter now alluded to, will prove perfectly adequate for the accomplishment of the object immediately in view. I trust, indeed, that there is not so much a want of charity among the wealthy, as a difficulty in knowing how to go 'systematically and effectually' about it. It is believed, that there is a great disposition to be charitable to the poor among the higher classes, but often much difficulty in selecting the proper objects of benevolence. If this is the case, it becomes of vast importance to give this charity a proper aim and direction. Now this is just what, on the present occasion, will doubtless be accomplished by the Association or Committee of Management in Edinburgh recently formed. Measures will be taken, both for alleviating the existing distress, and for preventing, as far as possible, the recurrence of it; and it is only feared that I may have said too much on this topic, more particularly as it will be necessary, briefly to advert to it, again, in the sequel.

Admitting, then, to the fullest extent, the existence of the evil as pointed out by Dr. Alison, and the absolute necessity of a remedy for this local and temporary malady being provided, yet, in perfect consistency with these admissions, the fitness of the particular remedy which has been suggested, may be denied. And, as this part of the case turns more upon legal than medical questions, I trust it will not be deemed presumptuous in a lawyer, to venture to dispute with the physician, his prescription as to the cure of the disease.

NATURE AND DETAILS OF PROPOSED ALTERATIONS.

That Dr. Alison goes the full length of recommending the total annihilation of the Scottish system of administering relief to the poor, and the introduction in its place of rules founded on the principles of those which prevail in England, will be easily established by a reference to a few of the passages contained in his Dissertation.

As to Assessments, he concludes his argument thus: 'I have, therefore, no difficulty in expressing my opinion, that assessments should be imposed uniformly throughout the country.'⁴

With regard to the amount of the assessment, and the rate of the allowances, his opinion is expressed in these words: 'I think the assessment which is imposed should be everywhere very considerably more than it now is, and that the allowances to widows and orphans, aged, disabled, and impotent persons, should be much raised. If we were to act in the same way as the Unions formed in England, under the present administration of the poor laws, we should expend in Scotland nearly L.800,000, instead of L.140,000. Of course it would not be advisable

¹ Remarks on the Poor Laws, &c. p. 235, and App. p. 381.

² Observations, &c. by Dr. Alison, p. 5. ³ Ibid. preface, p. viii. ⁴ Ibid. p. 175.

' to make so great a change suddenly, but this sum may be regarded as a limit, to which, judging from the experience of England, I have not the smallest doubt that we might gradually approach, with great benefit, not only immediately, but permanently, to the poor, and no real injury to any class of the community.'¹ Afterwards it is said: ' The pensions to the disabled poor, and widows, and orphans, should be at least doubled.'

Workhouses also are proposed. ' I think that the workhouse system ought undoubtedly to be introduced into every considerable town in Scotland, and even that unions of parishes, where there are no large towns, should be formed, as in England, to support workhouses for the permanent reception, at least of aged, disabled, or incurable persons, and of orphans who have no relations with whom they can be comfortably settled; for the reception of women and children left or deserted by their husbands or fathers; and also for the reception and confinement of all destitute persons entitled to legal relief, who are judged to be improper objects for out door relief on account of intemperance or immorality.'² These workhouses are spoken of by his correspondents referred to by him, ' as a test of destitution.'³

It is also asserted that the able-bodied poor out of employment should be entitled by law to relief, as a matter of right. ' Although it has not yet been the practice in Scotland to give any parochial relief to able-bodied poor, yet I am equally confident that in justice to the poor themselves, with a view to the maintenance of a desirable standard of comfort in them, with a view to the tranquillity, and more especially with a view to the health, of the community, such relief ought to be regularly given to those of the poor who are proved to be destitute from want of employment; and that this should be given, as it now is in England, unless in very peculiar circumstances, in the workhouses only.'⁴ And again, when speaking of Glasgow, he says, ' Trusting to experience, I would say that the proper remedies here are, first, to erect workhouses, into which able-bodied men and women out of employment, and as many as possible of the most profligate, even of the widows and disabled poor, should be received. Judging by the examples of London or Paris, we should say that accommodation for nearly 4000 people in these workhouses would be required.'⁵

And finally, it is remarked, ' The legal system of relief is the only one which may always be expected (under such regulations as may easily be enforced) to act uniformly in proportion to the wants, and in adaptation to the character of the sufferers. It is only by giving the poor the right to claim relief, and then employing paid inspectors (checked by higher authorities) to investigate their cases, that these objects can be accomplished. The irregularity, as well as general deficiency, of voluntary relief, must always render it both degrading and demoralizing to the poor themselves, and less beneficial to the public.'⁶

It is indeed acknowledged not to be absolutely necessary, ' that the English law should be introduced here; ' and it is added, (though some explanation should have been given to convey the exact meaning of the words), that ' probably the law of Scotland, if administered in the same spirit, would answer the same purposes.'⁷

According then to these suggestions, every part of the Scottish rules with regard to the poor, every trace of the administration of our system, is, one after another, to be swept away and abandoned, until not a vestige of its peculiar features shall remain; and this in order to make place for an introduction of rules and principles similar to those which have been adopted in England.

PROCEEDINGS IN PARLIAMENT ON THIS SUBJECT IN 1834.

Before proceeding to examine the details of a proposal which is to operate so radical a change in our institutions, and cannot fail to be attended with consequences the most important, either for good or for evil, to all ranks of the community, we shall do well to attend to the bearing and effect on this plan, of the proceedings in Parliament, at the passing of the recent Poor-Law Amendment Act for England. This will be the more incumbent, if it shall be deemed necessary, as the extent and

¹ Observations, &c. by Dr. Alison, p. 177.

² Ibid. p. 178.

³ Ibid. p. 179.

⁴ Ibid. p. 180.

⁵ Ibid. p. 185.

⁶ Ibid. p. 133.

⁷ Ibid. p. 44.

magnitude of the projected alterations would appear to indicate, to apply for a legislative enactment to carry the wished-for measure into execution.

The nature and essential qualities of the system established by law in Scotland for maintaining the poor, underwent a very minute and searching investigation, at no remote period of time, before a Committee of the House of Commons, and before Commissioners appointed by royal authority, for the purpose of considering the poor-laws of England, with a view to the introduction, in that country, of a legislative measure on the subject. Not only were witnesses well acquainted with our rules and management carefully examined by these public bodies, but English commissioners visited Scotland for the purpose, and reported on the spot.¹

The particular circumstances which led to this inquiry into the Scotch practice are deserving of our primary attention. It was observed by the Committee, that the English and the Scottish poor-laws were contemporaneous, and that the principles on which these laws are founded, except in one point to be immediately adverted to, are the same. Hence it appeared impossible to account for the great difference in the effects of the two institutions, in any other way than by ascribing it to a difference in the *administration* of the laws. Accordingly, the Report of the Committee bears, that ‘the provisions of the law in England and Scotland were ‘almost coeval with each other, and in principle near the same; but the results ‘are so different that they must be ascribed chiefly to the different mode in which ‘relief, from whatever fund it may have been provided, has been administered.’² Thus the English and Scotch poor laws are placed in direct contrast to each other. They were found to have originated at the same period of time, and to have been set agoing on the same principles; but a striking dissimilarity in the results was remarked, and in this way, the comparison was instituted and carefully followed out between the *administration* of the one set of rules and that of the other.

But before tracing this comparison of the management in the one case, with that in the other, it is proper to notice the discrepancy also which exists between the rules themselves, of England and of Scotland, regarding the poor. In the former country, the 43d of Elizabeth, directed the overseer ‘to take order for setting the poor to work.’ No provision of this description was allowed to enter into the act 1579; any such enactment appears to have been carefully excluded from the statute, which is the foundation of our poor laws; and hence the select committee which investigated the subject with reference to Ireland, put this question, ‘the Scotch act of 1579, appearing to be founded on the English statute of the 15th (14th) of Elizabeth, with the omission of the clause which directs the procuring of work to the able-bodied vagrants, is there any historical explanation of that material variation?’³ This omission had been previously remarked by the Committee on the English poor laws, and thus they were led to compare directly with each other, both the laws themselves of the two countries, and the administration of these laws. The point of comparison between the *laws* was, that in the one, able-bodied labourers, out of employment, have a *right* to relief: in the other, no such legal right exists, but the industrious poor, in consequence of discretionary power to this effect lodged in the kirk-sessions, are assisted in their parishes, out of the funds obtained by voluntary contribution. The points of comparison between the modes of *administering* the laws are, that in the one, the funds are uniformly obtained by compulsory assessment; in the other, they are generally procured by voluntary contribution, assessment being, when practicable, avoided: in the one, the allowances to paupers are full and ample; in the other, supplemental only to other resources; and in the one, the management is conducted by paid agents; in the other, by the kirk-sessions and others, who act gratuitously.

Now the result of the investigation of these several matters, by the Select Committee of the House of Commons, was to yield and to declare a decided preference to the Scottish system,—both to the *law* itself, in so far as it differs from the English

¹ Two Reports from Mr. Tufnell, from different parts of Scotland, are recorded, and Mr. Johnston was also employed on the same mission. See Report of Commissioners, 1834, p. 2; Administration and Operation of Poor Laws, p. 406; and in Appendix to these pages, see Mr. Tufnell’s Report in 1833, as to Glasgow.

² Report from Select Committee on the (English) Poor Laws, 1817, p. 21.

³ Report of the Select Committee of the Report of the State of the Poor in Ireland. Q. 3349.

poor law, and to the *administration* of the law,—both the Scotch system when it is viewed as a whole, and to the several parts of it, separately considered.

The evidence in support of this assertion, with regard to the separate points, shall be cited or referred to when we come to treat of the particular points to which this evidence relates. At present, it is proper to bring forward the proof of the general approbation of the Scotch system, and of the decided preference bestowed on it. The Report of the English commissioners, in one part of it, characterises the Scotch system, ‘as the *admirable* practice of Scotland’:¹ in another paragraph, in recommending a change in the law of settlement, one of the reasons assigned for the alteration is thus expressed, ‘because it is still the existing law in ‘that part of the United Kingdom, Scotland, where the local management and ‘maintenance of the poor has been best conducted.’² These are not merely speculative opinions, having little or no practical influence on those who entertain and express them. So far was this from being the case, that the sentiments with regard to the Scottish poor laws now referred to, were acted upon, in the formation of the amendment on the law of England. They constituted the very ground-work of this amendment, and furnished the principles on which it was framed.

Accordingly, the Lord Chancellor, (Brougham) in moving the second reading of the bill to amend the poor laws of England, condemned, in strong terms, both the then existing laws, and the administration thereof. His Lordship observed, ‘that ‘it is the evil of *bad laws, worse administered*, that we must continue to bear them ‘on account of the danger of their sudden repeal.’³ And in a subsequent part of his speech, he stated the object of the bill to be ‘to leave the law, generally speaking, as it stands *at present*, but to tread back our steps as far as we can, towards ‘a due administration of it, and having once brought things nearer to their position in some particular parishes, where the experiment has been tried, and salutary improvements effected, AND TO THEIR STATE GENERALLY IN SCOTLAND, then to ‘take such steps in reference to the *law itself*, as shall prevent a recurrence of the ‘same abuses.’⁴

From these passages, and from many others, which may be found both in the speech of the Lord Chancellor, and in the Report of the Select Committee, we learn these three important propositions, 1st, That the English poor law is acknowledged by the Legislature to be founded on erroneous principles—that in itself, and independently of the administration of it, it is bad, and requires alteration, although this cannot be immediately, and all at once effected; 2dly, That the administration of the law is said to have been still more faulty; and, 3dly, That, in both respects, the Scotch system is declared to be preferable, and that which ought to be imitated, and by degrees adopted in England.

Under the circumstances which have now been detailed, it was surely to be expected, that the inhabitants of this end of the island, would continue to place a just value on their own institutions, with regard to the management of the poor, which were so highly esteemed and commended by their neighbours. It was to be expected, that we would make every necessary exertion to secure the possession, and to render permanent the enjoyment of these advantages. In particular, it was to be expected, that when the population of any of our parishes increased considerably, and thereby the church collections were either diminished, in proportion to the number of poor, or a considerable part of this fund was necessarily appropriated to the support of the Church Establishment, effectual means would be sought after and resorted to, for removing this, the almost single difficulty attending the management.

Such, accordingly, it is fondly hoped, are the sentiments entertained by the great bulk of the people. Such, assuredly, are the sentiments which all who paid due attention to the proceedings in Parliament, on the passing of the English amendment act, must have imbibed. After these proceedings had taken place, the only apprehensions which were entertained, arose, as has been already remarked, from the difficulties in which large and populous parishes, whether in towns or in the country, were placed, and from the increasing tendency to assessment which this circumstance, especially in the parishes bordering on England, occasioned. Still no fear was countenanced, that any attempt to alter the character of our

¹ Report from Select Committee on (English) Poor Laws, 1817.

² Ibid.

³ Corrected speech of the Lord Chancellor in the House of Lords, on July 21, 1834, p. 34.

⁴ Ibid. p. 39.

revered institutions would be thought of—that a compulsory assessment would cease to be considered as the exception, and would become the uniform or universal rule—or that the regulations, with regard to the amount of relief to paupers, or the law relating to the description of poor to be relieved, would be changed or affected.

It now, however, appears that there are some who view this matter in a different light, and who, so far from being inclined to struggle with the local and temporary difficulties with which our institutions have, in particular situations, to contend, (and what human institution of so complicated a description is perfect and free from drawbacks?) would propose a total and radical alteration. Impatient of the obstacles to be encountered in providing for the poor, they would innovate the whole system, and give it up in despair.

But more than this—the love of change would carry them so far, that they would not only alter entirely the system of Scotland, but would at once embrace the English system; forgetting surely that their rules have been pronounced by the English themselves, to be not only comparatively inferior to our own institutions, but positively and on principle erroneous and faulty.

Now, if the subject were entirely new to Parliament—if the amendment of the English poor law had been adopted without reference to the Scotch law and practice, the plan under consideration would have appeared in a very different light, and might have been argued on different grounds from those which must now be contended for. The advocates of the scheme, before they reach the argument on the intrinsic merits of their project, have to contend with the already declared opinion of Parliament concerning it: and this not a merely theoretical opinion, but an actual adjudication of the case, in so far as England is concerned, after full and deliberate enquiry. The question cannot be said to be an open one. It is already determined by the highest competent tribunal. This, too, has taken place so recently as in the year 1834, so that no change of circumstances can plausibly even be alleged.

We need not then enquire,—for we have already been informed in the most authentic manner,—what Parliament would think of the suggestion now made for an alteration of the poor laws of Scotland. Let it be supposed that, with a view to this projected change, a bill were brought in for declaring that able-bodied labourers, when out of employment, should be set to work, or should be entitled to parochial relief as a matter of *right*, and that workhouses should be erected forthwith in many specified places, or that the mode of fixing the rate of assessment should be altered, in order to enlarge the rates and to increase the allowances to paupers,—it would no doubt excite surprise, that we should be taking measures for adopting the English rules by the aid and co-operation of the Legislature, when Parliament had just made a law for England, with the explicitly declared purpose of gradually approximating the English administration of poor laws, to the institutions of Scotland. It is evident that the Legislature could not encourage or countenance the proposal, thus to alter the laws, and usages with regard to the management of the poor in this end of the island, without giving the most flat and direct contradiction to the principles which have been avowed and acted upon in amending the English poor law. The system in England is at present in a state of transition. The rules which have been recently adopted, are not held up as the best that can in process of time be established. They are resorted to in order to pave the way for a better administration of the law, and, if possible, for an alteration of the law itself, so as to avoid a recurrence of the evils which it engendered. We learn from the accounts we receive of passing events, that this final settlement in England, of the law, and its administration, if it shall be ultimately accomplished, will not be brought about without a severe struggle. Already we mark, in the progress of the amended law, evidence of the soundness of Lord Brougham's observation as to the evils which attend '*bad laws, worse administered.*' And yet we are invited to quit the position which our neighbours are endeavouring, through dangers and difficulties, to reach, in order to take possession of a station similar to that insecure and unsettled one which they at present occupy temporarily, and as a step to the attainment of the very system of administration from which we are to depart!

We cannot peruse the deliberate opinions pronounced by select committees, and by Parliament itself, with regard both to the positive and to the comparative merits of the Scotch and of the English poor laws, and after doing so, coincide with Dr. Alison in attributing the preference shewn in this country to the Scottish system,

to the *prejudice of Scotchmen* in favour of the institutions of their own land. It is impossible to concur in the justness of these remarks made by him; ' I am aware ' that almost every Scotsman who has " made up his faggot of opinions," has in- ' cluded in it a general belief, (in many instances, I believe, perfectly well founded,) ' that the civil institutions of his own country are superior to those of England, ' and on that account will be unwilling to relinquish the idea, that the Scotch prin- ' ciple is the right system of national charity, and the English the wrong one.'¹ It is equally impossible to acquiesce in the following sentiment. ' I am farther of ' opinion, that the principles on which the relief of the poor is now administered in ' England, are infinitely preferable to those which are generally followed in Scot- ' land.'² This has never been the opinion of the writers on the management of the poor, whose experience in kirk-sessions has been the most extensive. It is pointedly contradicted by the opinions of the English themselves, and of the Legislature, as announced on the most important occasions. They have instructed us by an express statute, that so far from our law requiring to be 'administered in the same spirit' with that of England, their law is gradually to be 'administered in the same spirit' as ours. If this determination be the result of delusion and prejudice, it is not by representing this error as being of Scotch origin, that it will be overcome. The alleged delusion and prejudice of Scotchmen has become the firm conviction of Englishmen, and has been adopted by them on a careful review of full circumstantial evidence.

EFFECTS OF PROPOSED ALTERATION IN OUR POOR LAWS, CONSIDERED UNDER FOUR HEADS.

The objections which have been stated to the existing system of poor laws in Scotland, and the reasons urged in favour of an adoption of the English rules, may be most distinctly treated of under four heads, into which the subject has been divided in the late Report of the General Assembly.

These divisions are thus stated in the Report:

' *First*, That part of the system which has for its object to raise the funds that are required for the aliment of paupers.' Assessment or voluntary contribution.

' *Secondly*, The class of poor entitled to relief.' Able-bodied labourers unemployed, or only impotent poor.

' *Thirdly*, The amount and nature of the relief to be bestowed.' Full allowances, or in aid of other means.

' *Fourthly*, The description of persons to whose charge is committed the collection and administration of the funds.' Kirk-sessions acting gratuitously, or paid agents.

(1.) *Assessment.*

The first thing to be attended to is the proposal of a *compulsory assessment* in every parish throughout the country. ' This plan of relieving the sufferings of poverty,' says Dr. Alison, ' possesses manifest advantages over all others, and which ought to be quite sufficient to reconcile the people of Scotland to an uniform system of assessment.'³ At present, therefore, our attention shall, in the first instance, be strictly confined to a consideration of the grounds on which the preference is thus shewn to *assessment* over the system of voluntary contribution, in all circumstances and situations, as the more eligible means of making provision for the wants of the poor.

I cannot help thinking, that those who wish to establish a compulsory assessment, at once and indiscriminately in all the parishes of Scotland, have not paid sufficient attention to the nature and character which this institution has borne in the law and in the practice of Scotland, ever since its introduction into the statute-book at the early period of 1579, and to the advantages which have resulted from our usages in this particular. From the very commencement of its existence, at this remote era, and onwards to the present day, it has invariably been held that *assessment* was not to be applied as the uniform system in all cases, but only that it might be resorted to, either temporarily or as a measure to be renewed from time to time, in

¹ Observations, &c. by Dr. Alison, p. 42.

² P. 43.

³ P. 129.

any particular parish in which the accustomed means of maintaining the poor by voluntary contributions, had proved inadequate. Even the renewal in the statute-book, by proclamations of the Privy Council, confirmed by Act of Parliament, of this method of providing for the wants of the impotent poor, at the distance of upwards of a century after the act 1579,¹ brought along with it no change in the views and sentiments entertained among all descriptions of persons, as to the legal and essential nature and character of the measure of assessment, which was recognized in the jurisprudence of Scotland. The writers on our municipal law, as well as the clergymen and other administrators of the affairs of the poor, without, it is believed, one single exception, have constantly treated this mode of relief, as a mere and convenient substitute for the general system of voluntary contribution, and have held that this expedient might be resorted to in cases of emergency, or in any particular parish in which the ordinary funds have proved deficient, but by no means that it should be considered the uniform and invariable rule, as now contended for.

Hence it is, that upwards of a century elapsed from the date of the act 1579, c. 74, authorising assessment, before a single parish in Scotland was assessed for the maintenance of the poor. We are assured on undoubted authority, that prior to the year 1700, only three parishes were assessed in the whole country.² Nor is it possible to account in any other way for the fact, that when at length, assessment came to be resorted to, it was not employed as a general measure, imperative in all cases, but only adopted as an expedient in a particular parish at a time, the state of whose funds required it. There is not probably a single instance to be met with in which the administrators of parish funds have imposed assessment without reluctance, and a struggle to avoid it, and after considerable delay, and frequent remonstrances, addressed to all who were interested in the good of the parish. Nowhere has it figured either as a right or wise measure in itself, when a sufficiency of funds might be obtained without it, or as indispensably required by law in the general case, and without reference to the amount of funds otherwise provided for the maintenance of the poor.

Even in our large cities, where it may be supposed the greatest difficulty in procuring a sufficiency of funds for the numerous poor would be experienced, strenuous endeavours were made to avoid assessment. In Glasgow, for instance, no regular assessment took place prior to the year 1735.³ In the course of certain recent proceedings in the Court of Session, it was proved that at the date of these proceedings, out of the sixty-six royal burghs, with Paisley and Leith, there were fifty-two who never had an assessment for their poor.⁴

In Aberdeen, no regular assessment was imposed till so late a period as 1838. An interesting account of the various and arduous exertions to escape from this evil, is given in the Statistical Account of the city of Aberdeen, very recently published.⁵ The writer of the article referred to, concludes his statement with the following observations:—“It is unnecessary to dwell here on the evils consequent on a legal assessment, which at once puts an end to the Scottish system of parochial relief, and gives the pauper, however undeserving, a legal right, not to a ‘help,’ but to a maintenance.”

It seems proper also to notice the extreme reluctance with which this measure of assessment was had recourse to, in some of our largest and most populous parishes. The poor of the great suburban parish of Barony, were, till of late years, maintained without assessment. The parish of Gorbals, with a population of 22,000 inhabitants, was the boasted example held up to view by Dr. Chalmers, in his Christian and Civic Economy of Large Cities, of a great parish supporting its poor by means of church collections, and has only since the date of that work, yielded to the engrossing evil that prevailed all around it.”⁶ And in the parish of Old Machar, in Aberdeenshire, the population of which amounted, at that time, to 14,000 souls, the clergyman, in 1817, by means of an address to his heritors, in which he pointed out to them the evil consequences of assessment, succeeded in postponing

¹ Remarks, &c. p. 13.

² An Address to the Inhabitants of Aberdeen, &c., by Dr. Robert Hamilton, LL.D., Professor of Mathematics in Marischal College, p. 27.

³ Report by Committee of General Assembly 1839, p. 69.

⁴ Remarks, &c. p. 279.

⁵ New Statistical Account of Scotland, No. xxv. p. 49.

⁶ Remarks, &c. p. 280.

the measure for many years.¹ These delays could not, in such circumstances, have been permitted to take place, had not the fixed and rooted opinion prevailed, that a compulsory assessment for the poor was only to be imposed in individual parishes, on the failure of voluntary contributions, and that recourse to every exertion, in order to avoid the use of this substitute, was consistent equally with the rules of law, as with sound policy.

On the same principles, it has happened not unfrequently, that in particular parishes, in which, on account of some temporary pressure and difficulty, a legal assessment has been imposed, this measure has afterwards been abandoned, and the old mode of relief has been again employed.²

A few instances of this use of assessment, as a temporary resource from difficulties, and of the abandonment of the measure afterwards, as soon as the poor could be maintained without it, may be given, and the consequences of these changes, on the church collections of the parishes in which they took place, shall be noted.

The first of these cases is that of Dirlton, an agricultural parish of East Lothian, the circumstances of which appeared so instructive, that they were reported by one of the sub-commissioners to the English Board. It appears from this Report, that the rate of assessment, during the years of its continuance, increased from £.20 annually to £.105, and that soon after the assessment was abolished, the number of paupers was diminished considerably, while the collections were enlarged from £.21 to £.106. ‘But,’ adds the reporter, an Englishman, ‘the excellence of the non-assessing system must not be judged of from this test, (comparative expense.) It is not to save the pockets of the rich, but the principles and morals of the poor, that this system is introduced. Its invariable effect is to diminish the poor rates; but this is of infinitely minor importance *in comparison with the moral change it produces in the habits of the poorer classes.* This change has begun, and is in progress in Dirlton; and though the expenses were even increased by the new management, the inhabitants would think it a cheap purchase, *when the return is the increased industry and morality of the labourers.*³

The next case to be referred to, of a parish being reclaimed from the assessed to the unassessed system, is thus stated in the late Report by the Committee of the General Assembly. ‘In the parish of Kinnoul an assessment was for the first time imposed in 1824. The average of the collections for the three years immediately preceding, was £.47, 17s. 2 $\frac{1}{4}$ d. For the three years immediately following, the average was £.29, 9s. 8d. The system of assessment was abandoned in 1830, and the average of the collections for the three years 1835, 6, 7, is £.119, 16s. 8 $\frac{1}{4}$ d.⁴

Other instances have been mentioned of parishes adopting for a time the system of legal assessment, and after trial of its effects for some years, gladly returning to the old practice of maintaining their poor by means of voluntary contribution. Five such cases have occurred in the county of Fife, between the date of the Report of the General Assembly in 1820, and their late Report in 1839.⁵ No public record, easily accessible, having been kept of all such cases, it is difficult or impracticable to ascertain the exact number of them, but the more minute and diligent the enquiries are after such information, the more reason there appears to be satisfied of the correctness of the assertion contained in the first Report of the General Assembly, (subscribed by Sir Henry Moncreiff,) ‘that *in a great proportion of the country parishes* in which legal assessments have been introduced, they have been afterwards abandoned.⁶

But by far the most remarkable instance of any which has occurred, is to be met with in the case of a town parish, containing 8000 inhabitants, situated in the heart of a city in which a compulsory assessment prevails, reclaimed from this system, and not only maintaining its poor for a period of eighteen years by means of the church collections, but also defraying other expenses out of this fund, and all this, while the population increased from eight to upwards of twelve thousand persons. It is impossible to suppose that any one who has studied the subject of the management of the poor, and who has reflected on the differences between the English and the Scottish systems, can have failed to make himself acquainted with the circumstances attending the transition of the parish of St. John’s of Glasgow, and the

¹ Remarks, &c. p. 286.

² Report by the General Assembly of June 1817.

³ Administration and Operation of the Poor Laws, published by authority, p. 406, &c.

⁴ Report by a Committee of the General Assembly, 1839, p. 20.

⁵ Ibid. p. 16.

⁶ See “Remarks,” &c. Appendix, note A.

plan followed and so successfully carried through by its celebrated author, as developed in his different writings, and speeches, and evidence given by him before a Committee of the House of Commons, on this subject. He who reads these documents with the attention which they merit, as unfolding principles of the deepest importance with regard to the poor, will probably be surprised to discover, that when looking for the solution of an apparently wonderful phenomenon, the merit (and it is transcendent,) lay in the conception of the plan, not in its execution. He will be satisfied that Dr. Chalmers, having founded his scheme on principles from which there is no deviation in nature, was in perfect safety to commit the working of it to the ordinary agents within his reach, careful only to select those whose zeal and industry he could depend on, and who acted under an assurance of success. It will be necessary to return in the sequel to the consideration of the case of the parish of St. John's of Glasgow, when examining other branches of the Scottish system. At present, enough has been said concerning this case, as the immediate object is to adduce evidence of its being equally the law and the practice to hold the legal assessment for the poor established in Scotland, as merely a resource to be used on the failure of a sufficiency of funds arising from voluntary contribution, and that hence, it has been delayed in each instance, when not indispensably called for, or, when adopted from necessity, has been abandoned, as soon as circumstances would permit.

Nay, so strong is the antipathy to legal assessment for the poor, that in many parishes in which the state of the parochial funds, and the number and wants of the poor, impose upon the landowners the necessity of an annual contribution, in supplement of the church collections, the object is attained by means of *voluntary agreement*. This matter is thus explained in the recent Report of the Committee of the General Assembly. ‘Besides the collections at the church doors, other voluntary contributions are in use to be made for the support of the poor, which, for the years embraced by the present returns, amounted yearly, on an average, to L.18,976, 10s. 2d. These consist in part of gifts and bequests occasionally made by benevolent individuals; but a large proportion is statedly contributed by the heritors of particular parishes, in a certain rateable proportion to the rental or valuation of their estates. When the collections at the church doors, and the sessional funds applicable to the support of the poor, begin to prove inadequate, it frequently happens that the heritors, instead of resorting to a legal assessment on the general body of the parishioners who are liable thereto, resolve to make up the deficiency by a voluntary rateable contribution among themselves. This contribution retains the character of voluntary alms, and avoids the effects produced on the minds and feelings of the poor by the introduction of a legal assessment, which makes them consider themselves the claimants of a right of maintenance, rather than the objects of a charitable benevolence. If the whole body of the heritors cordially concur in this measure, it may stimulate the parishioners generally to augment their contributions at the church doors, (and from the returns it would appear that it *has* this effect, though not in any material degree,) while it avoids the expense always attendant on a legal assessment, and the additional charge for maintenance, which, as will afterwards be shown, uniformly forms the introduction of a legal assessment. On the other hand, if any of the heritors refuse to contribute a due share, this measure is likely to prove only preliminary to a legal assessment; and accordingly, in some of the returns the parishes in which this system has been adopted, are said to be in a “transition” state. The kind of contribution above mentioned is generally termed a “voluntary assessment,” and the parishes in which it prevails, are said to be “voluntarily assessed.” These expressions are not correct, but as they have been adopted in practice, and are convenient from their brevity, they have been retained in the tables subjoined. It must be kept in view, however, that such parishes are truly *not assessed*.¹

When we consider attentively the facts which have now been detailed, we must at once perceive, that to impose one uniform assessment over Scotland for the maintenance of the poor, would be to alter entirely the character and nature which this institution has long held in the law and in the practice of the country, and thus to lay the foundation of, and indeed to render unavoidable, still more essential and radical changes. The purpose of assessment for the poor in Scotland is, and

¹ Report of the Committee of the General Assembly, 1839, pp. 14, 15.

always has been, to provide for emergencies. It never was intended to form the regular and uniform rule. So far from endeavouring to make it so, and thus to alter its nature, every exertion ought to be made to reclaim from a legal assessment, parishes that can do without it, to retain in the old system all of those which have not deviated from it, and thus to preserve the essence and foundation of our salutary rules. When assessment is only resorted to in pressing cases, it may be used with powerful effect. A complaint has been made, that on occasion of the late distress in the metropolis, when a contagious fever raged, and was attended with so fatal effects, the Magistrates of Edinburgh and the managers of St. Cuthbert's refused to increase the rate of assessment. Now, if no regular assessment had prevailed before this crisis, it cannot be doubted, that for so urgent a temporary purpose, an adequate fund would, with common consent, have been raised, by these means; while there is little reason to be surprised, that under a regular assessment of six per cent. and lately augmented, the Magistrates should have thought it necessary to decline the proposal, and to trust to the necessary means being supplied from other sources.

This is a point of fundamental importance, and we are entitled to treat of it with some degree of confidence, when we find that the doctrine now maintained is expressly sanctioned in the Report of the Select Committee of the House of Commons, and by the authority of those who, on a review of the evidence, introduced into Parliament the act for amending the law of England.

In the Report now, and so frequently alluded to, it is first observed, in general, on this point, that 'a compulsory contribution for the indigent, from the funds originally accumulated from the labour and industry of others, could not fail, in process of time, with the increase of population which it was calculated to foster, to produce the unfortunate effect of abating those exertions on the part of the labouring classes, on which, according to the nature of things, the happiness and welfare of mankind has been made to rest.' After having made this general remark, it is said in the Report, with regard to this country, that 'in Scotland, where a law similar in principle was about the same period enacted, the intelligent persons to whom the management of it has been entrusted, appear to have possessed so much judgment and foresight as to its effects, that they have very generally and successfully endeavoured to avoid having recourse to its provisions for a compulsory assessment.'

This is sufficiently express, but it is not all: in moving the second reading of the bill, the Lord Chancellor, in the speech already referred to, delivered his opinion on this topic in these terms. 'The good effects of a rigid abstinence in administering relief, has been strongly exemplified in Scotland, and yet that experience has been quite thrown away upon England. In Scotland, down to a recent period, doubts were entertained by lawyers, as to whether or not there existed any right of compulsory assessment for the poor. It is now agreed that the right exists; and the English and Scotch laws are admitted to rest generally upon the same foundation. The administration of them, however, has been widely different in the two countries. The Scotch—a careful and provident people—always watchful and careful of consequences, kept an exceedingly close hand upon the managers of the poor funds, and did every thing in their power to ward off the necessity of assessment—reserving so perilous a resort for times of emergency, as in the extraordinary scarcity of the year 1795 and 1800. This was the most rational plan that could be pursued, for it prevented the introduction of regular and habitual relief, and the setting apart of a constant fund for maintaining the poor. In some instances it has been acted upon in England, but in very few comparatively; for there has been no unity of action—no general control; and the neighbourhood of Scotland, and the success of the right practice there, has produced no considerable amendment of our vicious system.'¹

Such was the sanction given on a very important occasion, by the highest authority, to the legality of the administration of the poor laws in Scotland, in the particular now under consideration: such the approbation bestowed on the wisdom and sound policy of this part of our administration: such the opinion as to one distinguishing characteristic of the Scottish rules, expressed by the framers of the

¹ Report from Select Committee, 1817, p. 4.

² Corrected Report of Lord Chancellor Brougham's Speech in the House of Lords, of 21st July 1834. P. 35—6.

English poor law amendment act,—very shortly before it is seriously (may I not add, rashly) proposed by Scotsmen to obliterate this remarkable feature of our institutions, in order to substitute for it a uniform assessment, condemned as this measure is by those from whom we are to borrow it!

The effects which have been found in practice to proceed from the method of providing funds for the maintenance of the poor, from assessment on the one hand, or from voluntary contribution on the other, as well as the consequence which the former mode has of diminishing the funds arising from the latter, have been noticed in some of the Reports and other documents already quoted. These views are confirmed by a late and very accurate ‘Report on the Progress and Present State of Pauperism in Berwickshire,’¹ to the Commissioners of Supply of that county, by George Turnbull, Esq., and ordered by them to be circulated. It relates to an assessed district, and contains these remarks—‘No sooner was an assessment resort-ed to in 1725, than new demands arose for parochial aid. * * * * At this period, however, as the parochial registers testify, the poor were managed with great prudence; but all the vigilance that could be exercised was of little avail in averting the consequences of having provided a legal fund for their relief.’²

The Report referred to proceeds to observe, that ‘the first important fact which the returns establish is, that the numbers of the parochial poor have been increased, by a constant progression, since assessments were first introduced till the present time. This fact is true, whether we regard a particular parish, or the county at large.’³ The details are then given, and it is added, ‘It thus appears, that in the ten years prior to 1784, or in the medium year 1779, there was only one pauper in every seventy-eight of the population; whereas, in 1837, there was one in every twenty-six, being an increase of exactly three to one in fifty-eight years.’⁴

The Report proceeds, ‘Not only has the number of paupers been increased, but the amount of aliment given to them individually, has been gradually augmented also for the greater part of a century past.’ The details follow. ‘From the increase in the numbers of the poor, and in the amount of their allowances, it follows, that the sums levied in name of poors’ rates must have been augmented in a higher proportion than either. This, accordingly, is the fact.’⁵ The proof is subjoined.

Then it is said, ‘The church collections, which form the legitimate fund for the relief of the poor, present no such progressions as those which we have now been considering. * * * * The reason why the Sabbath collections have not kept pace, in point of amount, with the progressive wealth of the country, is to be found in the fact, that compulsory assessments have impeded the ordinary current of charity, the inhabitants considering voluntary alms as unnecessary, when funds are taken from them by law for the relief of the poor.’⁶

In addition to this authority, as to the effect of a legal assessment on the collections made at the churches, we may refer to the following paragraph, in the works of an author, whose experience and knowledge are extensive and unquestioned. ‘It is undeniable,’ says Dr. Burns of Paisley, ‘that wherever assessments have been introduced, they have had one uniform effect in diminishing or destroying the weekly collections. * * * * In the parishes towards the borders, the collections are uniformly small; and this is undoubtedly owing to the almost universal prevalence of poors’ rates.’⁷

In some of Mr. Turnbull’s important statements above recited, he is completely borne out by the late Report of the Committee of the General Assembly. The Report bears, that ‘in the Border Synod of Merse and Teviotdale, where assessments have, for a long period, generally prevailed, in which every parish is assessed, and where the influence of the system established in the neighbouring country of England is sensibly felt, the rate of relief is above the average.’ * * * * ‘In the Border Synod of Merse and Teviotdale, the average rate of relief to the poor on the permanent roll is L.4, 1s. 3d. per annum, instead of L.1, 18s. 6½d. the general average charge on each individual for the whole of Scotland.’⁸

Although it is difficult, out of a great mass of concurring testimonies to the same

¹ Report on Berwickshire, p. 9.

² Ibid.

³ Ibid. p. 13.

⁴ Ibid. p. 14.

⁵ Ibid. p. 15.

⁶ Ibid. p. 17.

⁷ Historical Dissertations on Poor Laws, p. 119.

⁸ Report of Committee of General Assembly, 1839, pp. 12, 13.

effect, to select those which may be quoted, without overloading the argument, yet I must not omit to refer to one who united in him the character of a distinguished philosopher and of an active administrator of the poor laws in the city of his residence. Dr. Hamilton, professor of Mathematics in Marischal College of Aberdeen, in an address to the inhabitants on this subject, expressed himself thus: ‘The objections against assessment are very strong. So long as the alms conferred on the poor is considered as a voluntary donation, it is received with gratitude, and they are generally contented with a little; and the bestower feels the satisfaction which arises from the discharge of a Christian duty, and the relieving of a distressed fellow-creature. But when it comes to be considered as a matter of right, all these sentiments are reversed. It is paid with reluctance, and received without thankfulness; and instead of that kindly intercourse which ought to subsist between the rich and the poor, and which has a powerful effect on the morals of the latter, they are placed in a state of enmity towards each other.’¹

In support of his opinion, Dr. Hamilton refers to the Report of the General Assembly in 1817, in which it is stated, ‘that in almost every parish where a regular assessment has been established, the wants of the poor and the extent of the assessment have gradually and progressively increased from their commencement; and that it does appear to be a matter of very serious interest to the community at large, *to prevent, as far as possible, this practice from being generally adopted*; to limit the assessments as much as they can be limited, where the circumstances of parishes render them unavoidable, and, whenever it is practicable, *to abandon them.*’ Such was the opinion, in 1817, of a Committee of the General Assembly, as conveyed in their Report subscribed by Sir Henry Moncreiff.²

All these opinions, and many others to the same effect which might be cited, so recently and so deliberately formed after an examination of full evidence, by individuals both in England and Scotland, the best fitted of any for judging of this important matter, and for guiding the public mind concerning it, are now said to be erroneous, and altogether mistaken. In particular, it is alleged that the poor do not distinguish between what is received by them from voluntary contributions, and what is the fruit of the legal assessment, but confound the two together. ‘I should like to understand distinctly,’ says Dr. Alison, ‘how the money given in the one of these modes should be fatal to the spirit of independence in the poor, and in the other not,—the poor themselves having no perception of any difference between the two.’³ This is at least not universally the case. Dr. Alison’s doubt may be resolved in the words of one who speaks from experience. Dr. Burns informs us, that when parochial funds are distributed, ‘the question has not unfrequently been asked, Does the money arise out of the provision made by the heritors according to the law, or does it come from the charity-box of the parish? In the former case, it has been found that the pittance was readily, though perhaps ungratefully, accepted; while in the latter, it was manfully and steadily refused. The reason is clear. In the one case, the money was taken, not with the feeling of gratitude as from a generous benefactor, but as a right which the rich dare not refuse, however desirous they may be to do so. In the other case, the feeling of manly independence was cherished, and the degradation which pauperism carries along with it, could not be put away from the heart.’⁴

The idea that a legal assessment diminishes private charity, is treated as if it were an absolute chimera. One of the authorities chiefly relied on by Dr. Alison, after adverting to this notion as the ‘grand argument of the advocates of the

¹ Address, &c. by Robert Hamilton, LL.D., Professor of Mathematics in Marischal College, 1822.

² It would be a vain attempt to enumerate all the parishes, or even any considerable number of them, in which, from the time when a compulsory assessment was first imposed, the amount of it has gradually and progressively increased, and in which, of consequence, the administrators of the funds have evinced the greatest anxiety to rid the assessed parishes of this evil. But I readily embrace this opportunity of directing attention to a very instructive “Report with regard to the state of Pauperism in the parish of Liberton,” which contains useful information on this interesting subject. The Report alluded to is drawn up with great care and apparent accuracy, by the Rev. James Begg, minister of the parish, and was printed and circulated so lately as 1839.

³ Observations, &c., by Dr. Alison, p. 110.

⁴ Historical Dissertation on the Poor Laws, p. 111.

' voluntary system,' writes—' How they arrive at this conclusion I am at a loss to conceive. I have heard the assertion *usque ad nauseam*, but I have never heard the grounds on which it is based.'¹

In answer to this question, although not very courteously put, by the author whom Dr. Alison quotes, it may be proper to explain the matter, in so far as the remark, the soundness of which is disputed, bears reference to the Scottish system. That all kinds and descriptions of charity in a country, are diminished, or at all affected, by the existence of a legal assessment for the poor, no person, it is believed, ever asserted or imagined. It is beyond the reach of statistics to ascertain the workings of a virtue, as to which the command is given to the donor, ' when thou doest alms, let not thy left hand know what thy right hand doeth.' But there is no difficulty in ascertaining to a fraction, the funds which are destined for the maintenance of the ordinary poor by the accustomed channels, whether these funds are obtained by voluntary contributions or by legal assessment; and the assertion under consideration is, that when the money distributed by the administrators for the poor, is supplied by the latter of these means, this process tends to diminish and nearly to extinguish the income arising from the former.

The truth, as well as the importance of this proposition, will, it is believed, be acknowledged, when, in addition to the authorities already cited in support generally of the averment, that a legal assessment always diminishes the amount of voluntary offerings, we briefly consider the situation of the different classes who are contributors to the funds supplied by the latter of these means.

As to the land-owners and richer classes, both in the country and in towns, it may indeed be doubtful, how far the existence of assessment for the poor, affects the amount of their voluntary contribution. With many of them it is too probable that it has this effect, and that they do not give spontaneously, and in addition, towards the support of an object for which they are taxed. But it is admitted, that with others, such considerations are not attended by the same consequences; and this is readily conceded, when it is attended to, that to most of them the change from voluntary contribution to assessment would operate a saving of expense, if the former were totally discontinued, and also when it is recollectcd that in certain parishes the church collections, after an assessment has been imposed, have not very considerably decreased.

But the case is far otherwise with the middle classes, on whom a large share of a legal assessment must fall. By them this burden is felt as a very heavy incumbrance, and if the total annual amount to be raised by assessment were to approach to near the sum that has been calculated and fairly announced, of L.800,000, it cannot admit of dispute, that the tax would not only diminish, but would entirely extinguish their voluntary contributions for the poor, and would reduce many of themselves to penury and want. No regulation that could be adopted, for securing the prudent management of the fund, could prevent these certain and inevitable consequences of the exaction.

And with regard to the still poorer class, who from their wages and savings, spare every Sabbath their mite to the poor, and the number and frequency of whose little offerings, in the course of the year, or of any given time, swell the amount to a considerable and most efficient fund, it is plain that this source of revenue, this spring of charity, would at once be almost entirely dried up. Few of this class, indeed, are rate-payers,—but seeing the institution put on the footing of a legal assessment,—learning that the duty of maintaining the poor is devolved by law on the rich,—observing that the amount is varied from time to time, according as the numbers and wants of the poor increase,—they quickly cease to give, and soon learn most mischievously and most erroneously to believe, that to support the poor is not an act of charity, obligatory on all in proportion to their ability, but a legal burden incumbent solely on the rich. The effect of such opinions, on the discharge of their private duty to their indigent relations and neighbours, is equally felt as its consequences on the church collections. One cannot make inquiries on this subject in assessed districts, or even in the neighbourhood of such, without being assured that these sentiments are entertained, and extensively acted upon. One cannot read a single number of the New Statistical Account of Scotland, without finding abundant proof of these melancholy truths.

When I assert that this is a most important view of the subject, I do not fear

¹ Observations, &c., by Dr. Alison, p. 103.

being included by our author among the number of those who, he alleges, ‘ consider this question as merely one of pounds, shillings, and pence.’¹ The morality and religion of the lower orders are deeply involved in it. ‘ It is nearly the universal practice of the peasantry in Scotland,’ says Dr. Chalmers, ‘ to contribute a little to the collections on Sundays; the consequence of which is, that they are insensibly formed to the habit, and they feel themselves insensibly raised to the condition of givers.’² Nothing can be more interesting than the sight of a congregation of Christians joining in public worship, while even the poorest among them do not forget the wants of their still more indigent brethren. May we not venture to hope, that of many of such an assembly it may be said, as of the centurion, ‘ Thy prayers and thine alms are come up for a memorial before God.’ It is also of the utmost consequence that their idea of their private duties should not be slackened or impaired. ‘ I may mention,’ says the authority last referred to, ‘ that there is not a more familiar spectacle in our cottages, than the grandfather harboured for life by his own married children, and remaining with them for years the honoured inmate of the family. In fact, I have no recollection of a single instance, and I am sure it would have been braided as the most monstrous and most unnatural of all things, of the desertion of relatives by relatives.’³ It is a compulsory assessment which has introduced this vice. Only let this measure be extended to all the parishes in the country, and the rates be augmented, and the duty of relatives to the poor with whom they are connected is extinguished for ever. How important is it, then, not to tamper with, or counteract these innate feelings of mankind, which both constitute an essential part of the Christian character, and exert a very powerful influence in promoting the welfare and happiness of the poorer classes of society.

(2.) *Case of “ Industrious” or “ Occasional” Poor.*

The next point to be considered is the proposal that able-bodied labourers out of employment, should be put upon the same footing with the impotent poor, in having a *right* to relief from their parishes declared by law; and that this relief should be given, except in very peculiar circumstances, in workhouses, provided for this and other classes of poor, in the several districts and large towns.

The proposition which has now been discussed of a uniform assessment over the whole country, involves an alteration only, (although a very material one,) of the *administration* of the poor laws: for as a compulsory assessment for the poor was allowed by the act 1579, and by the later enactment of William and Mary, it was in the power of the administrators in the different parishes, either to resort to this measure simultaneously, or to maintain the poor as long as they could, without it, and only to adopt the assessment in each parish separately as circumstances in particular places seemed to require it. It was the *practice* then, and not the *statutes*, which impressed on the system the character which it assumed in the particular now explained.

But the plan of yielding parochial relief, as a matter of legal *right*, to labourers out of employment, in order to its being carried into execution, appears to require an alteration, not in the administration only of the poor laws, but in the laws themselves, as fixed by statutes. We have seen that any provision of even finding work for unemployed labourers was, in the old act of 1579, most cautiously and studiously avoided. In this important particular, the contemporaneous act of Elizabeth was not followed, but was departed from in a very striking and remarkable manner. The practice, then, on this point must not be ascribed to a difference between the two countries in the administration of their poor laws, but to an essential difference in their several statutes, and therefore to bring about, as is now proposed, a coincidence and uniformity of system between them in the point to the consideration of which we now proceed, would seem to require legislative interference.⁴ This remark is made with deference to the decision pronounced by the Court of Session in 1804, in Pollok *v.* Darling,—a single judgment, dissented from

¹ Observations, &c., by Dr. Alison, p. 60.

² Dr. Chalmers’ Works, vol. xvi., p. 307.

³ Ibid. p. 304.

⁴ At all events, legislation would be necessary to alter the mode of assessment, so as to procure the increased rates that would be required.

by the Lord President at the time, and other judges, and which has not been since followed in practice.

In my former treatise on the poor laws of Scotland, I endeavoured to mark the broad distinction, in point of legal right and civil obligation, which, antecedently to any statute on the subject, exists between the claim of the impotent poor and the claim of that class who are called in our law the *industrious* or *occasional* poor, to relief from the wealthier part of the community. I attempted to show, that in the case of the former, the law recognises, as the foundation of statutory regulation concerning them, an existing civil obligation; but that with regard to the latter, the law only acknowledges what is termed an imperfect obligation, the duty of benevolence; that this distinction has been attended to and acted on in the law and practice of Scotland; and that in conformity to it, the statute law has conferred on the *impotent* poor, a legal right of relief, while the *occasional* poor have a claim only on the charity of their parishes, which, although not created, is, to a certain extent, confirmed by Acts of Parliament. The impolicy, also, of conceding to able-bodied labourers out of employment, a right by law to relief from their parishes—the evils attending this system, both to the rate payers and to the workmen themselves, were fully explained and illustrated, by reference to the evidence of the consequences which have attended the English practice. And the preference universally, till of late, bestowed on the Scottish rules and usages, which do not confer a legal right to relief on able-bodied men when suffering from want of employment, but to set apart a moiety of the parochial funds of each parish, which may be converted to this use, at the discretion of the minister and kirk-session, was justified by an appeal to facts, and to the concurring testimony of the best informed witnesses and authors, many of whom have been active administrators of the system. On these several points, which have been already so fully discussed, I shall not again enter, but shall content myself with a reference to what has been elsewhere written concerning them.¹

One might be led to imagine, from what is said on this subject in the treatise under consideration, that no provision whatever is made by the law of Scotland, for the relief of able-bodied labourers out of employment, and that the whole of this class, many of whom are for a time, and until they can find work, reduced to destitute circumstances, is left to depend entirely on private and precarious charity. But this is far from being the case. From the earliest period, the kirk-session in every parish was accustomed to bestow a part of the church collections and other funds of which they are the guardians, in affording temporary relief to the description of poor of whom we now speak. The proclamation of the Privy Council of 29th August 1693, sanctioned this usage, and fixed the amount of the church collections which may be so employed, at one half of the whole funds obtained. This and the other proclamations of the Privy Council regarding the poor were confirmed by different statutes, and have been acted upon to the full extent. The management of the kirk-sessions in this particular is seldom, if ever, enquired into by the land-owners. It appears that in some parts of the country, 'the average distribution to the "occasional poor," exceeds in amount that to the paupers on the permanent roll,'² We are informed that in certain districts even the assessed funds have also, and indiscriminately with the collections, been turned to this use occasionally.³ The amount of the funds thus left under the management of the kirk-sessions for relief of the 'occasional poor,' is very considerable. The late Report of the Committee of the General Assembly shews that the average of the church collections, other voluntary contributions, and sessional funds, for the three years 1835-6-7, over all Scotland, came to L.77,880,⁴—that the average sum during these years which was distributed among the 'occasional poor,' was L.14,983, and that of this money, no smaller a proportion than L.9103 went among the *assessed* parishes, while only L.4203 were allotted to the *non-assessed*, and L.1676 to those which are distinguished as '*voluntarily assessed*'.⁵

But the point now to be enquired into does not relate to the amount of the sum allotted by law for distribution among the 'occasional' or 'industrious poor,' but to the principle or grounds on which the relief is given. The amount of the fund

¹ Remarks, &c. ch. x. xi. xii, second edition.

² Report of Committee of General Assembly, 1839, p. 13.

³ Report on Berwickshire, p. 25.

⁴ Report of Committee of General Assembly, p. 17.

⁵ Ibid. p. 134.

shall be spoken of in the sequel, and it shall be considered whether, if it be inadequate, means for increasing it, without departing from the rules which the law has applied to it, may not be resorted to. At present, however, the only and the very important question to be resolved, is this general one, whether it is more fitting that the 'occasional poor,' (for so we may continue to denominate able-bodied labourers out of employment,) should be entitled to demand parochial relief as a matter of legal right, as in England, or should remain dependent on the kirk-sessions of their several parishes, as according to the law of Scotland, both for the measure of relief to be afforded them, and for the time of its continuance.

On this great question I have already discoursed largely in my former Essay; but it appears proper to call to recollection the sentiments concerning it, expressed by those who are best entitled, by their experience and knowledge, to dictate to the public on the subject.

In the former Report of the General Assembly, (subscribed by Sir Henry Moncreiff,) the following paragraph appears:—'The distinction made in a great proportion of the returns between the poor in the regular parish roll, and the *industrious* poor who receive only occasional supply, is of equal importance to the morals and the best interests of the country. Those of the first class receive a constant supply from the parish funds; those of the second are only assisted when they are laid aside from work by sickness, or accidental causes; and especially during that season of the year which chiefly affects their health, or suspends their usual labour. They receive at that time such assistance as their immediate necessities demand, for the limited period when they are in this situation; but when the cause which occasioned their demand ceases to operate, the parish assistance is withdrawn, and they return to their labour, under a conviction which they never relinquish, that both their subsistence and their comfort must ultimately depend on their personal industry.'¹

On this subject, the Rev. Dr. Burns of Paisley, expresses himself as follows:—'In every parish and congregation of Scotland, an important distinction is recognised between *regular* and *occasional* poor, the former holding the place of permanent pensionaries on the roll, and, as such, receiving weekly, monthly, or quarterly, a stated aliment, the latter obtaining partial relief from time to time, as their circumstances render it necessary. As the distinction is one of the highest importance, it ought in no case to be overlooked.'²

The expediency of this practice of assisting the industrious poor by occasional and well-timed relief as a matter of charity, not as a civil right, is well pointed out by Mr. Hutchison in the following passage:—'As the best remedy against a numerous list of permanent poor, it has always been the practice to assist persons, who, by misfortune or disease, or other circumstances, are disabled for a time from maintaining their families. And even where the necessary relief is not of such extent, or for such a period of time as makes it worth while to place the distressed individual on the roll, still it is usual in practice to afford such supplies as the exigency requires. By means of these seasonable supplies, many who would have been irretrievably ruined, or prematurely cut off, leaving their families a permanent burden on the public, are restored to the exercise of their lawful industry; and afterwards, instead of needing further aid, sometimes thankfully repay the money so seasonably advanced to them.'³

Lord Kames gives the following account of this matter. 'It is very true that the half of the weekly collections are left in the hands of the kirk-session, and not appropriated as part of the constant fund for maintaining the enlisted poor. And that this is a wise regulation, must be apparent, from the following consideration, that besides providing for the enlisted poor, there must be a good deal of occasional charity in every parish, for which there should be a fund. * * * Upon some occasions it may be proper to assist a decent family out of the poors' box, who would not choose to be put upon the poors' roll. For these occasions, and such like, the half of the weekly collections are left unappropriated in the hands of the kirk-session.'⁴

But it is needless to multiply authorities on a subject as to which no contrariety

¹ Appendix to Report of Select Committee on the Poor Laws, p. 145.

² Historical Dissertation on the Poor Laws, p. 21.

³ Hutchison's Justice of Peace, vol. ii. p. 53.

⁴ Remarkable Decisions, p. 253.

of opinion is to be met with, till all of a sudden a new light has darted forth. It is, however, of the utmost importance to attend to the sentiments entertained by those in England whose opinions are entitled to the highest respect, with regard to those institutions in that country, which it is now proposed that we adopt and imitate. We shall find that even the 43d of Elizabeth is not held as standing on an impregnable foundation, in that part of its enactment which provides that work shall be found for the poor—that this clause of the statute is considered to have been the origin, the natural and necessary source, of all the evils which followed, in the administration of their poor laws—and that although a repeal of this provision, after it has existed for ages, and has taken root in the habits of the people, is not contemplated, yet it most assuredly would not now be enacted for the first time, had it not already been established: hence we may infer the recommendation that would be given to Scotland, who is free and untrammelled in this particular, and has the example of England, as a warning set before her.

In the speech delivered in the House of Lords, already referred to, on proposing the second reading of the poor law amendment bill, Lord Brougham argued thus. ‘ Most certain it is that anything more mischievous, anything more fatal to the country, anything more calculated to multiply indefinitely the numbers of the poor, cannot be conceived, than the applying to them any regular and fixed provision, be it tithe or be it tax, which they can claim at the hands of the rich, except it be by that duty of imperfect obligation—private charity, which is imposed upon all men. Every permanent fund set apart for their support, from whomsoever proceeding, and by whomsoever administered, must needs multiply the evils it is destined to remedy. This right to share in a fixed fund, is the grand mischief of the poor laws, with the seeds of which they were originally pregnant, though certainly many years elapsed after the principal statute,—that of the 43d of Elizabeth,—was made, before any great amount of positive evil can be said to have rendered itself perceptible in the community at large. As long as it was supposed that the law attached only to the impotent, to those who came within the description of old age, worn out faculties, in body and mind, or persons disabled by any accidental cause, *and not to able-bodied persons*,—so long it must be admitted, that if the law was not an advantage, at all events it proved to be no detriment whatever. But by the construction not unnaturally put upon these *unfortunate words* in the act, requiring the overseer “to take order for setting the poor to work,” a construction which at the same time conveyed to the pauper the right of calling into action this power, in other words, of compelling the parish “to find work for the pauper, and, if work could not be found, to feed him,” all self-reliance, all provident habits, all independent feelings, were at an end; and consequences the most pernicious speedily followed to the community, as well as to the poor themselves—consequences more pernicious, I will venture to say, than ever flowed from the enactment, or from the construction of any human law.’ And at another place,—‘ I shall for the present assume that the statute of Elizabeth cannot now be dealt with. I shall take it to be fixed irrevocably as the law of the land, and I will proceed upon the supposition that it is impossible now to reduce things again to the state in which they were previous—I will not say to the 43d, but to the 5th of Elizabeth. Desirable as it may be to place the system on a better footing, and difficult as it is not to wish for some *radical change*, which may prevent a recurrence of the calamities we are suffering under, I yet feel that this is most difficult to effect.’

In the same speech it is remarked as having been argued, ‘ that the system kept up the character of the labourers, prevented their becoming the mere beggars of alms, and enabled them to receive their allowance with the erect port and manly aspect of those who felt they were claiming their due under the law. Never, surely, was there a greater delusion. The system has ended in the destruction of all independent character in the English peasant. It is true that he comes to demand his allowance with an erect port, but it is not the bearing of independence; his habits, his feelings, the whole bent of his mind, the whole current of his thoughts are changed. It was deemed aforetime, a shame, such as no man could bear, to be dependent upon parochial aid—the name of “pauper” coming next in the estimation of the peasant, to that of “felon.” It is so no longer—no longer is it thought a scandal upon the labourer to claim relief from the parish—no longer does it inflict a pang upon his mind to darken the overseer’s door. No doubt he comes with a firm gait—with a manly air; but rather let us say, he

' comes with a sturdy gait, and with a masterful air. * * * * Such a system deadens all sense of shame; all sense of real dignity; erases from the mind every feeling of honourable independence, and fits its victims only for acts of outrage or of fraud.'¹

It does appear to me very extraordinary, that in the face of the reasoning of the late Lord Chancellor, made use of on such an occasion, and in spite of the example of England, and of the evils brought upon her, so loudly complained of, so severely felt, we should be advised to give a right of relief by law to the industrious poor, and thus to plunge at once into the depths of the lamented and acknowledged errors of the English system.

It is true that we are not asked to encounter these difficulties without being provided with a certain species of defence. Workhouses for the poor are to be erected, in which only, unless in very peculiar circumstances, relief to unemployed labourers is to be afforded. This opens up a new field of inquiry and of astonishment.

In my former Essay on the Poor Laws, I have traced the progress of the workhouse system in Scotland, and have shewn that, notwithstanding the many and reiterated attempts to establish and enforce it, no footing could be found for it in the country,—that in one or two instances in which it was tried, the experiment speedily failed,—and, in short, that the antipathy of the people to the scheme was determined and inveterate.²

But it is said that workhouses are wanted as 'a test of destitution.' And doubtless they are a most powerful and a most useful test. One of the Reports of the Poor Law Commissioners (26th December 1836) bears this declaration regarding them. 'The main reliance for the discouragement of pauperism, and for the establishment of independent habits among the labouring classes, is founded on the workhouse system; and although there is no doubt of the correctness and efficacy of the principle, still the greatest care is required in the application of its details,' &c. Even in the experience of Scotland, limited as that experience is, the value of the workhouse system *in an assessed district* is clearly established. The Report as to Berwickshire, before referred to, bears, that 'in Edinburgh the advantage of a poorhouse is found to be incalculable. In consequence of an institution of this kind, the number of paupers in the parish of St. Cuthbert's is only one in every fifty of the population; whereas in Dunse, it is one in twenty-four, and in Coldstream, one to twenty-two.'³

It thus appears that workhouses are of indispensable necessity as the cure of the disease of pauperism, when it has reached such a degree of malignity, in assessed parishes, that without the application of a strong and almost desperate remedy, it cannot be conquered. But is it prudent to create the disease, in order that the remedy may be administered? Is it prudent to impose an uniform assessment, and to give a legal right to relief to the 'occasional poor,' trusting to correct, by means of workhouses, the evils which spring from such a system, but which do not and cannot occur without it? Are not workhouses in themselves an evil, the general establishment of which would be abhorrent to the feelings and dispositions of the people? Necessary they are in England, where assessment is universal, and labourers out of employment have a legal right to parochial assistance. But the very necessity of instituting such a check, furnishes a strong additional reason against the introduction of a principle in our law and in our practice, which, wherever introduced, must be accompanied by this controlling power, so unwelcome and hateful to the nation.

(3.) *Amount of Relief.*

The third matter to be investigated relates to the principle uniformly adopted by the administrators of the poor laws in Scotland, with regard to the amount of the relief bestowed. They endeavour to ascertain the actual wants of the individual poor, and proportion the relief to these wants. To one who is entirely destitute, and has no visible means of support, either from his own labour or from the assistance of relatives or neighbours, a larger pension is statedly given; on one who is

¹ Corrected speech of Lord Chancellor, p. 19. ² Remarks, &c. p. 228, and 247, &c.

³ Report as to Poor of Berwickshire p. 37.

able to work a little, or has near relations to help him, a smaller sum is bestowed. This rule is equally applied to the industrious or *occasional*, as to the impotent or *regular* poor, although, in the case of the former, it is applicable, chiefly and generally, to the length of time during which relief is granted to them.

It is evident that the point now stated, relates entirely to the *administration* of the poor laws, and has no bearing, like the last matter considered, on these laws themselves. The question truly is, whether it be better to assist the poor from the parochial funds, in supplement merely of their separate means, and thus to call into activity their own exertions, and the sympathy of relations and friends; or to bestow larger allowances, thereby rendering unnecessary these exertions and sympathy, and gradually impairing them, till at length the compassionate feelings of others, and the industrious habits of the poor themselves, are totally extinguished.

To animadvert on the excessive smallness of the aliment bestowed, without taking any other matter into consideration, is to attempt to withdraw attention from the true point of inquiry. The question depends on the soundness and correctness of the principle; and if in this respect the rule of Scotch practice be correct, the result, in many cases, must be, that the relief afforded will amount to a pittance, when compared with the sum which, acting on a different principle, would be bestowed.

In arguing the point now under discussion, Dr. Alison recites the following passage in my former publication on the poor laws. ‘When attention is paid to the high and increasing rates in England, and to the circumstances which have kept down the allowances to paupers in this country, it will at once appear, that *from the smallness of the sums paid in Scotland, results the great superiority of the system*. The cause of poor rates being high and constantly increasing in any country, is the idleness and improvidence of the poorer classes of society. This is followed by the extinction of mutual kindness and benevolence among them; and when the parish lends its aid, the assistance bestowed by it is received with discontent.’ It is averred that in this short sentence there are ‘three assumptions implied, if not actually asserted, relative to the English poor as compared with the Scotch, which are *quite gratuitous*.¹ These three points our author considers *seriatim*. It is necessary to follow him in this discussion.

‘First,’ (as he maintains) ‘it is assumed that the rates for their support are not only high, (which is true,) but that these are continually increasing; which, from the statements already made, appears distinctly to be *the reverse of the truth*, whether we compare their amount with the wealth or population of the country.’

Now what are the averments as to the increasing nature of the English poor rates, thus characterised as gratuitous and the reverse of true. They begin by stating that, ‘The ultimate consequences to be dreaded from the operation of the English poor laws, before the late alteration of them, to that class of society on whom the burden was imposed, were forcibly predicted in the following passage of the Report to the House of Commons of a Select Committee on this subject in 1817. “Your committee feel it their imperious duty to state to the House their opinion, that unless some efficacious check be interposed, there is every reason to think, that the amount of the assessment will continue, as it has done, to increase, till at a period more or less remote, according to the progress the evil has already made in different places, it shall have absorbed the profits of the property on which the rate may have been assessed, producing thereby the neglect and ruin of the land, and the waste and removal of other property, to the utter subversion of that happy order of society so long upheld in these kingdoms.”’ In proof of the gradual and great increase, it was stated on the authority of the same Report, that the sum raised in 1776, was £1,556,804—on the average of the years 1783, 4, and 5, £2,004,238—in 1803, £4,267,965,—in 1815, £5,072,028, and that in subsequent years it was constantly and regularly increasing.² It was also remarked that the Commissioners had adopted the statement of the Rev. Joseph Townsend, with reference to the cultivator of a small farm, that ‘he rises early, and it is late before he can retire to rest; he works hard and fares hard; yet with all his labour and his care, he can scarcely provide subsistence for his numerous family.’ His difficulties are ascribed to the poor rates. And the Report was also appealed to as asserting, that an entire parish had been thrown out of cultivation from this cause, and

¹ Observations, &c., by Dr. Alison, p. 111.

² Remarks, &c. p. 214.

that the rent of many farms had been reduced, 'to half, or to less than half, of what it would have been if the land had been situated in an unpauperised district.'

It surely was not *gratuitous*, or the reverse of the truth, to say that *in times past* at least, but still recent, the poor rates in England had been constantly increasing in an alarming degree. And with regard to the effect of the late changes in the law, the following was the account given by me. 'The surprising and almost instantaneous diminution of the number of able bodied workmen who require relief,' brought about by the withdrawal of any legal claim, on their part, may be learned by consulting the Report of the poor law commissioners. It is completely established by the evidence contained in the Report, that whenever the parochial allowances have been withdrawn and discontinued, or even when a workhouse under wholesome rules has been set on foot, the workmen to whom these allowances were in use to be made, have found employment for themselves, and no complaints have been uttered.¹ The fact now mentioned by Dr. Alison, that since the poor law act came into force, the sum of L.2,300,000 has been withdrawn from the funds annually raised for support of the poor in England, was not, and could not have been alluded to in my former publication, because at its date, this fact, it is believed, had not taken place, or at least had not been publicly announced. Had it been known to me, I would undoubtedly have stated it,—as confirming my argument: for the inference which arises from this incident, is, not that the amended law is perfect, but that the old law was even worse than it could have been imagined to be, before this extraordinary circumstance was ascertained. Who can doubt of the ruin with which the consequences of the law threatened the nation, when apprised that this change at once saved the country L.2,300,000 per annum; or, in other words, that with this golden bait, the law had made paupers of multitudes of industrious labourers, for whom the country could readily provide employment and lawful wages? Who can hesitate to expect, that when other alterations are accomplished, and the English make progress in the scheme of assimilating their system to the Scotch one, greater savings and more advantages still, will accrue?

The second and third '*gratuitous assumptions*,' with which I am charged, are the assertions that the English poor are idle and improvident in comparison with the Scotch, and that parochial assistance is received by them with discontent.

Now, in support of both of these averments, I referred to the evidence contained in the printed Reports, of which reference, however, no notice is taken by Dr. Alison.² The passages, indeed, to this purpose are so numerous, that a selection, on the one hand, would have proved next to impracticable, or an overloading of the statement on the other, unavoidable. And full justice was done to the amended act, as promising speedily to cure these defects of the former system. After mentioning, in the sentence above quoted, the reduction wrought by it in the number of paupers, it is added, 'Other beneficial effects have also resulted invariably from what is called in the Report, the dispauperising of a district. Thus, early improvident marriages have become less frequent, and thereby an undue increase of population has been immediately prevented. (Report, 1834, p. 240.) The poor labourers have shewn themselves more contented and happy than they were wont to be. (Report, 1834, p. 242, 247.) The wages of labour have improved. (Report, 1834, p. 237, 8, 9, 240.) Some of the best workmen whose wages were the highest, and who were in the practice, under the "allowance system," of spending their money in dissipation, in the prospect of claiming aid from the parish when the day of need should arrive, have soon learned to deposit in the 'savings' banks their surplus wages, beyond the sum required for the sustenance of their families.' (Report, 1834, p. 237, 234, &c.) If Dr. Alison had noticed the passages which have now been partly quoted and partly referred to, he would not, it is readily believed, have accused the author of having made '*gratuitous assumptions*,' and, in one instance, of having assumed that which 'appears distinctly to be the reverse of the truth.' It is evident that all the facts alluded to, afford very important confirmations of my argument. They complete the evidence, that the invariable consequence of conferring on the industrious poor a legal right of relief, and of bestowing on them large parochial allowances, must be to reduce multitudes of them to pauperism, who, by the Scottish system and regulations, would by their own labour, and with the assistance voluntarily given them, as the

¹ Remarks, &c. p. 231.

² Ibid. p. 45.

reward of their industry, maintain themselves and their families in respectable independence.

The necessity of stating a defence against this charge, has led us for a time from the proper object of enquiry at present, viz., the wisdom of the Scottish system in limiting the amount of relief bestowed on paupers, upon the principles which have already been alluded to.

These principles are unfolded in the following terms, in the first report of the General Assembly to the Select Committee of the House of Commons, which bears the signature of Sir Henry Moncreiff:—‘ The Committee remark that the Scotch ‘ have uniformly proceeded on the principle, that every individual is bound to provide for himself by his own labour, as long as he is able to do so; and that his parish is only bound to make up that portion of the necessaries of life which he cannot earn or obtain by other lawful means. That even in cases of extreme poverty, the relations and neighbours of the pauper have *a pride* in providing for their necessities, either in whole or in part. That this circumstance will account for the small number of paupers in some very populous parishes, and serves at the same time to explain a fact, which is obvious in so many returns in the country districts, that the sums given to paupers appear to be so disproportioned to what their real necessities require. A small sum given to aid their other resources, affords them the relief which is necessary, and it would be both against the true interests and the moral habits of the people, if a more ample provision were made for them from their parishes.’¹

The principles thus clearly developed, cannot fail to command the assent and admiration of every one who candidly examines them. It is most natural and most expedient, that not only a strict enquiry, (an *inquisition*, as the old term emphatically terms it,) be instituted in each individual case, and be conducted in a kindly manner; but also, that in fixing the amount of the relief to be allowed, account be taken, both of what it may be reasonably expected the pauper may do for his own support, and of what others, who are either naturally and legally bound, or charitably disposed, to assist him, may contribute for this purpose.

But it must be obvious at the first glance, that the full advantages which may be expected to flow from the observance of the regulation now explained, can only accrue in parishes not assessed, and that assessment, with full allowances to all who are in want, must quickly destroy the elements on which the rule depends. This rule calculates on the personal industry and exertions of the poor. It calculates on their relations and neighbours being disposed to assist them, and having ‘ *a pride*’ in so doing. It aims at drawing these virtues into vigorous exercise, at the very time that relief is administered to the poor, and by the very measure of that relief. But under the bane of assessment and of full allowances, such virtues soon cease to exist. Relations and neighbours stand aloof. They withdraw from under the weight of an inconvenient burden, when the liberality of the public is excessive, and supplies, to the full, the wants of their relatives. The poor themselves are without a necessary spur to their industry, and thus the benefits which might flow from conforming to, and following the rule, are greatly diminished or entirely lost. How unjust then, to cast blame on the rule under review, when it is obvious, that its failure, in any case, must arise, not from defects inherent in the regulation, but from the intervention of a vicious system which weakens and overpowers it!

We ought not to omit to notice, that the practice of giving to the poor, relief in aid only of other resources, and, in particular, the practice of requiring them to do something for themselves, is in strict conformity with our oldest law. Even in the case of ‘ impotent’ poor, the act 1579 provides, ‘ That if the aged and impotent persons not being so diseased, lame, or impotent, but that they may work in some manner of work, shall be by the overseers in any borough or parochin, appointed to work, and yet refuses the same, they shall be punished as vagabonds.’ It would have been contrary to principle, to legislate with regard to the duty of relations,²

¹ See Remarks, &c. p. 38, &c.

² The following sentence in Lord Brougham’s Speech, when commenting on the statute of Elizabeth, merits particular notice:—‘ *Foreseeing that the consequence would be to estrange the natural feelings of the parent for his child, and of the child for his parent,*—for the first time in human legislation, it was deemed necessary to declare, by a positive enactment, that a child should be compelled, by the statute, in such case made and pro-

but the administrators of our poor laws acted most wisely in adopting a practice which encouraged and called forth these virtues into activity, by clearly pointing out the great benefits which result from their exercise.

It thus appears, that in all the cases in which the amount of parochial relief to the poor is fixed at a low rate, on the principle established in the administration of our system, of trusting to, and calling into action, the ascertained private resources of the pauper, there is no just cause to complain of the smallness of the allowances. In this sense, (and it was in this sense only that the words were used,) it is perfectly true, that ‘from the smallness of the sums paid in Scotland, results the great superiority of the system.’ It is only when these expressions are separated from the context, that they become obnoxious to the criticism which has been unjustly put upon them. Taken along with the parts of the argument which precede and follow them, they hold up to view a wise regulation in the management of the poor, from which benefits the most important to the ‘true interests’ and ‘moral habits of the people’ result.

There are, no doubt, other cases, few however in number, in which a low rate of allowances to the poor has been occasioned by a want of sufficient funds. This evil is most prevalent in large towns, and it is not disputed, that a remedy ought to be provided for it. The mischief complained of, generally arises from the effects of a compulsory assessment for the poor, which does not of itself supply means adequate to satisfy wants, to the large increase of which, the institution itself has contributed, while it weakens and gradually dries up all other sources of revenue. The evil is also magnified by the circumstances which naturally occasion an influx of unconnected and unassisted paupers to a populous city.

But what, it will be asked, is to be done in this dilemma? Are we to trust to the Church collections, already impaired as they have been by the blight of an assessment? I preface my answer to this question by putting another. Are we, by raising annually, in all time coming, a considerably larger sum by means of assessment, to take shelter under the protection of the very institution from which the evil complained of has sprung, and from an enlargement of which, as long as human nature remains unaltered, this mischief must be rendered still more formidable? Rather let us, while in the meantime we bend to the necessity of the case, and find an expedient for temporarily increasing the allowances to the poor, strike at the root of the mischief, whenever and wherever it is possible to do so. Let us rely on the charity of the public; explain to them fairly and without reserve that the supplies for the poor depend on them; join with Dr. Alison in declaring that hitherto too little has been done in the way of voluntary contribution; exert the energies of the kirk-sessions and other gratuitous labourers more warmly than heretofore in this work: and in place of depreciating our own institutions, place a true value on their advantages; confide in them, and concur heartily in doing them justice. We shall find additional convincing evidence in the sequel, that by distrusting our own resources, instead of appealing to them with confidence, and putting them on a right footing, we weaken, and may gradually destroy them.

Having now explained the principle according to which the allowances to paupers in Scotland are generally fixed at a low rate, in aid only of other known resources, it is necessary to attend briefly to the grounds on which it has been proposed, that this principle should in future be contemned and entirely disregarded,—that the rate of relief should be very greatly enlarged,—and that reasons altogether different from those which have, in times past, entered into the consideration of the administrators of our poor laws, should for the future influence their conduct in determining this matter. Generally speaking, it seems to be held that nothing but the poverty of the applicant ought to be enquired into, and that the great object should be to relieve his destitution, and to administer such assistance as will tend to the comfort of the pauper, and may conduce to the health and happiness of himself and family. If there be any vagueness and want of precision in this description, the uncertainty arises from the fact, that no more pointed or definite account of the object in view has as yet been stated.

Now, it is apprehended, that no branch of the subject requires to be approached

‘ vided, to obey the dictates of the most powerful feelings of nature,—to follow the commands of the law implanted in every breast by the hand of God, and to support his aged and infirm parent!’—*Corrected Speech of Lord Chancellor*, p. 30.

with more caution and circumspection, than that which relates to the amount of relief to be bestowed on paupers. In regulating this matter, it is impossible to confine our attention to the state of the poor only, and to consider merely what is necessary for their support, without reference to the condition and situation of any other class in society. On the contrary, the state of all the other classes, is, or may be, materially affected by the arrangements made with regard to the provision allotted to the poor. In particular, the condition of independent labourers of the lowest class, the great bulk of operatives, is so directly implicated in these concerns, that the administrators for the poor will act most unjustly, as well as unwisely, if they fail to pay as scrupulous attention to the state of the class now alluded to, as to that of the poor themselves, in fixing the rate of allowances for paupers.

Let us attend for an instant to the fundamental and radical rule on this subject, laid down in their report, by the English poor law commissioners. ‘The first and most essential of all conditions,’ says the reporters, ‘a principle which we find universally admitted, even by those whose practice is at variance with it, is, that his (the pauper’s) situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class. Throughout the evidence, it is shewn, that in proportion as the condition of any pauper class is elevated above the condition of independent labourers, the condition of the independent class is depressed; their industry is impaired, their employment becomes unsteady, and its remuneration in wages is diminished. Such persons, therefore, are under the strongest inducements to quit the less eligible class of labourers, and enter the more eligible class of paupers. The converse is the effect when the pauper class is placed in its proper position, below the condition of the independent labourer. Every penny bestowed that tends to render the condition of the pauper more eligible than that of the independent labourer, is a bounty on indolence and vice.’¹ Even the workhouse, which is to be made use of as a test of pauperism, if not skilfully employed, instead of a terror and preventative, will become an allurement and attraction. One of the reports of the poor law commissioners, asserts, in a passage already quoted, that ‘the main reliance for the discouragement of pauperism is founded on the workhouse system.’ But it is added, ‘The labouring classes in the pauperized districts are at present inclined to struggle earnestly to get their own livelihood, rather than seek maintenance within the walls of a workhouse; but it is evident that the inducement to do so would cease, if ever the residence within a workhouse should be made as desirable as that in a cottage.’ It is only by its horrors that the workhouse becomes an efficient engine for good: when stripped of these attributes, it is a direct incentive to pauperism.

The fact is universally acknowledged, that the line of separation between paupers and ‘independent labourers of the lowest class,’ is very slight, and perpetually passed over by the latter. When this is kept in remembrance, the wisdom of the maxims above quoted must appear uncontested. And if these rules are thus established, it is impossible to deny that it is no easy or safe matter, to deal out to the poor, the rates or amount of relief, which are said by Dr. Alison to be necessary for their comfort, and conducive to their health. By doing so, a door will be opened wide, by which able-bodied labourers will be invited and encouraged to enter into the haunts of pauperism, there to exchange their poor but independent station, for one in which they are degraded and demoralized, but are reconciled to the change, by finding themselves better fed and clothed, and the indolence of their nature indulged.

Let it be granted that, to raise the condition of the lowest class of labourers, would be extremely desirable. Let it be assumed, that to do so, would promote the health of themselves and their families. Alas! we are told, that by the measures alluded to, the condition of this important class is not raised, but so immensely depressed, that they are driven into a state of pauperism, in order to escape from the distress in which they have been involved. We further see, that no scheme, by means of which the condition of this class of society is to be directly improved, and their state bettered, is practicable or contemplated. No tampering with the wages of labour is projected. The remedial measures proposed can but indirectly affect the condition of independent labourers; for these measures are entirely confined to an alteration of the poor laws, and restricted to the class of persons on

¹ Report, 1834, p. 228.

whom a right of relief, as paupers, is to be bestowed. How limited, then, are the means of such relief, if the amount is to be kept below the income of ‘independent labourers of the lowest class !’ How dangerous, and opposed to principle, and to the general good of society, if the allowances given are to exceed these rates !

Is it not undeniable, that a large, and sudden, and general increase of allowances to the poor over the country, or in certain particular places and districts, would at once become the most obvious and attractive inlet to pauperism, by which, more than by any other, the number of paupers would be greatly multiplied ? Can it admit of a question, that a little indulgence of this kind bestowed on the poor, must sink many independent labourers, until by degrees they would be found swelling the class of paupers ? The humanity which would grant such indulgences is short-sighted. In the act of relieving the poor, it would lower and reduce to pauperism many a labourer who, were not this course followed, would remain, as before, contented, industrious, and justly proud of his independence.

This doctrine cannot fail to be unpalatable, but it is so important, that we must not, on account of its want of popularity, blink the subject. It is doubtless painful to impose any restraints on those feelings of humanity which prompt to the making of large allowances to the poor. But the necessity of the case, a regard for the situation of independent labourers, requires this abstinence and self-control, and prudence ought to reconcile us to its exercise.

These considerations are of the greater importance, that the main and ultimate object of the proposal now brought forward to alter our poor-laws, appears to be to secure a higher rate of allowances to paupers. It is on this account, that an uniform assessment over the country is suggested, a right of relief to independent labourers proposed, the vexation of workhouses is to be encountered, an oppressive and ruinous expense in collecting and distributing the rates to be submitted to, and the number of paupers to be greatly increased. All these inconveniences are to be borne, in order to provide an augmentation of the rate of relief to the poor.

It cannot have escaped the observation of those who have bestowed due attention on this interesting subject, that since the date of the English Poor-law amendment act, the greatest danger, perhaps, which their reformed system incurs, arises from the consequences of measures, similar to those into which it is proposed that this country should be precipitated. Some of the best-informed among our neighbours express an apprehension, that in many instances ‘the guardians will do too much for the poor, and thereby endanger the independent labourer continuing such.’

If the result of the argument now submitted to the consideration of the reader, turns out to be, that the allowances to paupers ought to be kept at lower rates, than, on a first view of the case, may appear to him desirable, he may derive consolation from the following remark of a magistrate, recorded in Mr. Chadwick’s Report: ‘Nothing is more difficult than for a gentleman to form a correct estimate of the means of living of a labouring man. Let any scheme for his maintenance be devised by a gentleman, and you will always find that the labouring man will live at a cheaper rate than that estimated.’¹ It is satisfactory to know, that it is not mere reasoning, which might be accused of being cold and phlegmatic, but unerring practical experience, which, in the particular now discussed, corrects, in some degree, the impressions of sensibility and excited feeling.

(4.) *Administrators.*

The last characteristic of the Scottish system which demands separate attention, relates to the *administrators* or *managers* of the fund appointed for the maintenance of the poor. In the unassessed country parishes, these affairs are entrusted to the kirk-session, who act gratuitously, and even in the parishes which are assessed, although collectors, surveyors, overseers, and other paid agents are required, yet the kirk-session also affords much assistance, without fee or reward. In the towns, the jurisdiction in these matters belongs to the magistrates; but generally, if not uniformly, they devolve the management on the kirk-sessions within their bounds.

This is a brauch of the subject on which Dr. Alison is almost entirely silent. On several occasions, in the course of his argument, it would appear that the kirk-sessions, and their important services, are either overlooked, or altogether forgotten.

¹ Administration and Operation of the Poor Laws, p. 234.

Thus it is said that, ‘when the relief of the destitute, in large towns, is trusted chiefly to the voluntary system, it always happens, and on a fair estimate of human virtue, and of the time which persons of the higher ranks either can or will bestow on the affairs of the poor, we must expect it always will happen, that there is a great deal of unrelieved suffering.’¹ If it were left altogether to private enquiries to seek out objects of charity, it might no doubt be the case, in some degree, that many of the higher ranks would neglect this Christian duty, although even, in that event, the wants of the poor, unless expectations from the rich were too much trusted to, would generally be relieved by others; but when it is recollect, that in every parish and in every church, there is a kirk-session, the members of which are ready, either collectively or individually, to become the almoners of their brethren, and to receive either small sums or larger donations and bequests for the parish, saving the donors from all further trouble, the above-quoted remark loses all force and power.

Much important and minute information on this branch of our enquiries, (great part of which is new,) may be found in the late Report of the Committee of the General Assembly. To this I must beg leave to refer, and shall only extract the few following particulars.

In the unassessed parishes, (as already mentioned,) no other agency than that of the kirk-session is required. The adoption, however, in several places, of what has, for distinction’s sake, been called ‘voluntary assessment,’ has introduced paid collectors in some of these, although they are in reality not assessed parishes. The Report bears that ‘in about one-half of the cases in which *voluntary assessment* has been resorted to, it has led to the appointment of a collector to receive the heritors’ contributions; and when a legal assessment is imposed, the appointment of such an officer almost uniformly follows. As the population, the number of paupers, and the amount of assessment increase, the number of hired agents augment; a general collector, sub-collector, surveyors to value the property of the inhabitants and allocate the assessment, overseers to attend to the poor and distribute the funds—all become necessary. In the constant superintendence of these affairs, and generally for conducting the affairs of the poor, in the more populous parishes, the aid of a committee of heritors to act with the session, in the ordinary practical administration, is given in landward parishes; while in cities and burghs of a large population, a board, variously constituted by representatives from the several sessions, and various public bodies, is in general formed by arrangement or agreement on the part of those having a voice in the administration; the acts of legal authority, such as imposing the assessment, or the like, being performed by those in whom, by law, the power is properly vested.’²

After having given this general description, the Report bears, that ‘the total number of persons giving their *gratuitous* services in the active and ordinary management of the poor, over all Scotland, is SEVEN THOUSAND, FIVE HUNDRED AND FORTY-TWO; of whom are members of kirk-sessions, 6035; and other persons, chiefly heritors or rate-payers, 1507.’

‘The total number of hired agents is 532, of whom 330 are employed in levying the funds, and 202 in the management of the poor.’³

The number of hired agents in the non-assessed parishes (owing to the ‘voluntary assessment’ in some of them,) is 137—in the assessed, 395. The number of *gratuitous* agents in the non-assessed parishes is 4456—in the assessed, 3086.⁴

The expense of management in the non-assessed parishes is L.581, 2s. 3d.—in the assessed, L.6506, 3s. The expense of litigation in the former is L.84, 18s. 8d.—in the latter, L.835, 17s. 2d.⁵

In passing, we may contrast the expense of litigation, as above stated, with the expense of litigation and removals of paupers in England, as given in the Report of the Select Committee on the poor laws in 1817, (p. 26.) ‘These sums,’ (the Report bears,) ‘amounted, in 1776, to L.35,072; in 1786, to L.35,791; in 1803, L.190,072; in 1815, L.287,000; and it appears that the appeals against orders of removal, entered at the four last quarter-sessions, amount to about 4700.’

But it is not only the comparative saving of expense in the part of our system

¹ Observations, &c., by Dr. Alison, p. 142.

² Report of Committee of General Assembly, 1839, p. 17.

³ Ibid.

⁴ Ibid. p. 20.

⁵ Ibid. p. 21.

now under consideration, that forms its recommendation. The friendly intercourse which it occasions between the poor and their more wealthy neighbours, is of vastly greater importance. This matter is well explained in the following sentences, borrowed from the Report of one of the English poor law commissioners, of a visit made by him to Glasgow. ‘The personal attention of the rich to the poor, seems to be one of the most efficient modes of preventing pauperism. It is a subject of perpetual complaint, that the poor do not receive the charities of the rich with gratitude. The reason of this appears to be, that the donation of a few shillings from a rich man to a poor one, is no subtraction from the giver’s comforts, and consequently is no proof of his interest in the other’s welfare; it seems natural and reasonable that there should be some proportion preserved between the gratitude felt for a favour conferred, and the difficulty or inconvenience that the doer of it is put to in conferring it. If the rich give their time to the poor instead of their money, they part with a commodity which the poor see is valuable to the givers, and consequently esteem the attention the more, as it implies an interest in their prosperity; and a feeling seems to be engendered in their minds of an unwillingness to press on the kindness of those who thus prove themselves ready to sympathize with them in distress, and to do their utmost to relieve it. This feeling acts as a spur to the exertions of the poor; their efforts to depend on their own resources are greater, and consequently the chance of their becoming dependent on the bounty of others less.’¹

Possessed of such a powerful machinery for the management of the poor as has now been explained—the members of it acting gratuitously—consisting of the ministers of the different parishes, and of many of the most respectable inhabitants, who are well acquainted with the people, and anxious to relieve their wants—aided by the landholders in the agricultural, and by a board such as has been described, in the city parishes,—is it to be credited that we will consent to deprive ourselves of such signal advantages, and proceed to employ paid inspectors and other hired agents? It is very possible that defects may be found in the constitution and management of some of the kirk-sessions. Were this the proper occasion for such a discussion, it would be an easy matter to shew, that the faults alluded to admit of a simple cure, and that it would not be difficult to infuse fresh vigour into these public bodies. This, it is fondly hoped, will be the object at which we will aim. We ought to endeavour to renovate and improve, and cautiously avoid to impair the usefulness of, far more to destroy an institution, from which the country has for ages derived the most important benefits, and which is as well fitted as ever, to carry into effect the great object of providing for the poor.

GENERAL REFLECTIONS.

In the consideration of the four different characteristics of the management of the poor in Scotland, now concluded, I have endeavoured to confine myself to the discussion of matter properly belonging to the particular object of inquiry, in which we were at the time engaged. But there occur certain *general reflections*, applicable to the whole subject of the Scottish system of poor laws, and administration of the poor, which it is necessary now briefly to offer.

I.—ARGUMENT, THAT OUR LAWS ARE NOT SUITED TO THE PRESENT TIMES, CONSIDERED.

It has been alleged that our poor laws are not fitted for ‘an advanced and complex state of society;’ and it is added, that ‘in many small country parishes in Scotland, where all the higher orders who are to give, and all the lower orders who are to receive, are aware of their duties, and are known to one another, and where the proprietors are resident, of charitable disposition, and attentive to their duties, the burden may be sufficiently equalized among the former, and the benefits sufficiently secured to the latter, without the intervention of the law.’²

¹ Report of E. C. Tuffnell, Esq. See Appendix.

² Observations, &c., by Dr. Alison, p. 101.

This admission, then, at all events, shews, that over a large proportion of the country, the system may work perfectly well. Nay, more—it establishes the wisdom and justice of these rules, and of that administration of them, which, instead of imposing one uniform assessment over the land, leaves it to the managers in each parish, to judge according to the circumstances of their own territory, and rather expects of them that they will abstain from assessment, if their poor can be maintained without it. In this point of view, therefore, the admission made, and which could not indeed in fairness have been withheld, is important; it is truly decisive of the sound policy of the administration of our poor laws, in having rejected a compulsory assessment, as the uniform and undeviating rule. There can be no justice in assessing one parish, the poor belonging to which may be maintained without having recourse to these compulsory means, because an assessment is indispensable in a neighbouring parish.

But this is not all. There is evidently a great mistake committed, when it is supposed that the Scottish rules are ill adapted for a complex and advanced state of society. As each parish is left to follow out the plan for itself, without being influenced by the practice elsewhere, it is impossible that the utility of the system can be affected by the circumstances now alluded to. If a parish becomes populous, to a degree which renders the management of the poor in it cumbrous and inconvenient, all that is necessary is to divide it into two or more parishes, or at least to make separate districts, each having its own place of worship, and its own administrators for the poor. The system being equally suited for all districts of a certain population, it is only requisite to regulate the size of the parish accordingly. The scheme itself, when the extent of territory is suited to it, and an adequate number of managers appointed, must be fitted for the care of the poor in all states of society, the most complex as well as the simplest, and for all situations.

Any doubt, in particular, that might be entertained of the sufficiency of the collections made at the churches, to bear, throughout Scotland, the share of expense of maintaining the poor, which the system necessarily puts upon them, may be dissipated by considering the treatment which this fund meets with, and the returns which may confidently be expected from it, if anything like justice shall be done to it. It is a historical fact, that this source of revenue proved perfectly adequate, till its amount was greatly diminished by the prevalence of dissent. Since that period, it has been discouraged and checked by the introduction of compulsory assessment. And what is its fate, at present, in other particulars? Population has increased by rapid strides, while multitudes are kept from the Established Church, and, of course, from contributing to the church collections, by want of accommodation in these places of worship; and much of the collections received from those who have found church room, is necessarily appropriated to the support of the Church Establishment. When these drawbacks to the collections shall be removed, and they shall be made to bear the character which the law intends for them, of being the channel, in every parish, by which the alms of the public to the parochial poor is to flow, and to which all the inhabitants, above the rank of paupers, are to be tributary, it cannot admit of doubt, that this, and the other voluntary contributions, will answer well the purposes for which they are destined.

These views of, and these expectations from, the system of voluntary offerings for the maintenance of the poor, will hold good in the case of city as well as of country parishes. The principle must be universally applicable. The want of a sufficient number of churches, and of ministers and kirk-sessions in very populous towns, and the other circumstances to which allusion has been made, impede at present the working of the system. But it is from these circumstances, and not from a defect in the system itself, that the evils complained of spring. Multiply the churches, and ministers, and kirk-sessions, in proportion to the increased population,—appropriate the church collections entirely or chiefly to the support of the parochial poor,—abandon, wherever it is possible so to do, a compulsory assessment,—and the present system will soon be found equal to supply the wants of the poor.

The example of the parish of St. John's of Glasgow has established the truth of this proposition, in circumstances the most unfavourable for the experiment that can be imagined. The adequacy of the church collections for the maintenance of the poor in a parish so situated,—the facility with which the elders and deacons accomplished their tasks, and many other points most interesting in the examination of the Scottish rules and usages, are most beautifully and satisfactorily brought

out, in the history of that parish. Formerly, when treating of it, I referred to two publications by Dr. Chalmers, one of these a 'Statement from Eight Years' Experience,' published in 1823, and the other the 'Substance of a Speech,' delivered by him in May 1822.¹ To these he has since added a most important Tract, entitled, 'Reflections of 1839 on the now protracted experience of Pauperism in Glasgow, an experience of more than twenty years, which began in 1815, and terminated in 1837.'² It is surely not too much to expect, that they who speak of the abolition of the Scottish system of poor laws, as an expedient measure, should pause to read attentively, and ponder deeply on the Tract now referred to.³

I shall not venture any remarks of my own on this important document, but it would be unpardonable to omit noticing the marked approbation which the management of the poor in the parish of St. John's, met with from an English poor law commissioner, who visited Glasgow, in order to inquire into the administration of the poor-funds in that city, and who reported upon it in 1833. The whole of Mr. Tufnell's report, although too long to be here inserted, well merits an attentive perusal.⁴

Mr. Tufnell remarks, that 'the chief virtue of the new system,' (speaking of St. John's parish), 'seems to consist in the closer investigation which each new case of pauperism receives, by which the parish is prevented from being imposed on; and as it is well known by the poor that this severe scrutiny is never omitted, attempts at imposition are less frequently practised.' This, (and not the workhouse), is the only proper *test* of pauperism. The speedy and certain effect of this *test* in St. John's parish, reminds us of the saving of L.2,300,000 obtained in England, by the passing of the amendment act. It shews that human nature is everywhere the same, and of consequence that the same are the effects, in all situations, of strict inquiry into the state of those who apply for parochial relief.

But one, unwilling to acknowledge the success of the administration of the poor funds in the parish of St. John's, may perhaps insinuate that the stricter inquiry into the history of the poor in that parish, drove many of them to shift their quarters, and to dwell in other parishes in Glasgow. Mr. Tufnell has spoken to this point, in the following words:—'It has been said, that, since the parishes of Glasgow are not protected against each others' poor, by the law of settlement, the small number of the St. John's paupers is owing to their poor being mostly drawn out of the parish by the harsh treatment they receive. Before the system was commenced, so confident was the founder of it that the reverse would take place,—that the poor would prefer, instead of avoiding his parish, on account of the different mode of treating them, that he actually stipulated in a Letter to one of the Magistrates, published at the time, that the law of settlement should take effect betwixt his parish and the other parishes; in other words, that he should be protected from the influx of paupers from other parishes, which, in return, were to be similarly protected against his own. And so correct was his anticipation, (the stipulation not having been agreed to), that, in the first three years of the existence of the reformed plan, twice as many paupers came in as went out: and one of the managers assures me, that a constant preference is given by the poor to St. John's above other parishes, on account of the different way of treating them; at any rate, there is no disinclination to dwell in it.'⁵

Want of room prevents me from citing the reports on this management, made by the different deacons, which will be found in Dr. Chalmers's 'Statement of Eight Years' Experience'; but the following answer by one of them, to inquiries so recently made as July 1839, may be quoted: 'I have never ceased to say, that if an agency was organized in each parish, even in Glasgow, for the effectual management and oversight of the poor, both for education and ordinary pauperism, that in a very short time, there would be no necessity for a poor's-house or an assessment, as collections would be made at church doors quite adequate to all the wants of the deserving poor.'⁶

¹ Remarks, &c. p. 104.

² See Dr. Chalmers's Works, vol. xvi. Appendix, p. 422.

³ This tract is, with the kind permission of its author, published in an Appendix to these remarks.

⁴ This Report will be found in the Appendix, No. III.

⁵ See Appendix No. III. And see Dr. Chalmers's Works, vol. xv. p. 71.

⁶ Letter from Wm. Buchanan, Esq. Appendix, No. II.

After reading these testimonies, the case of St. John's must appear sufficient to convince the most sceptical on the subject, of the adequacy of our system, in every state of society, and in the most trying circumstances. And it cannot admit of a reasonable doubt, that similar arrangements in the metropolis, to those which were attended with results so satisfactory in Glasgow, would inevitably be accompanied by the same effects.¹

Indeed, the idea that measures are not fitting for the present times, which were approved of as perfectly suitable by Parliament, so lately as July 1834, and which were then recommended as the model for England at that period, and in all time coming, cannot readily be listened to, or make a serious impression.

The observations offered with regard to the management of the poor in the cities of Glasgow and Edinburgh, suggest considerations, the bearing of which, on the whole plan of altering the Scotch poor laws, merits the deepest attention. The complaint of a defect in the law has been, in a great degree, limited to the state of the poor in the Highlands, and in the large towns. As to the Highlands, the want lately experienced, arose not from any defect in the poor laws, but from scarcity and dearth, occasioned by a deficient crop, which no state of the law, with regard to the poor, could have altered or affected. And if, in a few of the parishes, an adequate fund, by means of voluntary contribution, cannot always be obtained, recourse ought to be had, in time of need, to assessment. This measure, as administered in Scotland, is well calculated to meet such occasional and temporary difficulties, and no change whatever, of the established law, on this account, is called for.

With regard to the state of the poor in large cities, as to which, great complaints have been made, it must not be forgotten, that in these localities, the administration of the law is placed in other hands from those to whom it is committed in country parishes. The parochial system, at least in its purity and uncontrolled, does not there prevail. It is subjected to many checks and interferences which tend to diminish its efficiency. True it is, that the number of poor, and also their wants, must be expected to undergo a considerable proportional increase in towns, when compared with their number and wants in agricultural districts. But it is only the more necessary, in order to counteract this tendency, that the management of these concerns should be placed on that footing, which experience has proved to be the best, and the freest from imperfections.

It is with the views now explained, that the lesson taught in Glasgow, in the instance of the parish of St. John's, is of great value, and ought, as it is apprehended, to be followed up in that city, and adapted also to other places. No such experiment has yet been made in the metropolis, although a plan was formed and submitted to consideration, some years since, by the intelligent members of the kirk-session of St. Mary's, to whose report, on the management of the poor, reference has been made. It surely merits serious consideration, whether it be not in the quarter now pointed out, that a remedy for the evil so justly complained of ought to be sought, and whether this local malady may not be removed, without demolishing the whole fabric of our poor laws, and rushing into a system which, wherever adopted, will be found to be invariably attended with innumerable ills, to all classes of the people. To hint these views is at present sufficient. To prosecute the subject more minutely, would be inconsistent with the aim and purposes of this enquiry.

II. EXPENSE OF PROPOSED ALTERATION CONSIDERED.

One very serious objection to the adoption in Scotland, of the English scheme of management of the poor, must, long since, have occurred to the reader, viz., the heavy and ruinous expense attending it. Not only is a uniform compulsory assessment established over the face of the country, with all the weighty charges for overseers, inspectors, assessors, and other paid agents, who are to take the place of our ministers, elders, and deacons, acting gratuitously: not only are the expenses of litigation to be greatly increased: not only are the allowances to all descriptions

¹ In 1834, a Committee of the kirk-session of St. Mary's parish of Edinburgh, printed and circulated a "Report" relative to the management of the poor of Edinburgh, which contains much useful information, and merits serious attention.

of poor to be vastly enlarged, or rather to be settled on principles so entirely different from those which our system professes, that the claims of the poor are to be placed on a footing altogether new to us: but further, a great class of persons, whom we at present view as industrious labourers, and whom we assist gratuitously, when occasionally reduced to difficulties, in the hope of helping them soon to return to their laborious employments, are to be sunk to the rank of paupers, having a *right to relief*, which they may enforce by a legal process. And to *test* their claims, and to secure against imposition, workhouses, against which the nation strove so long and so successfully, are to spring up in all parts of the country. We are fairly warned, that instead of an expenditure on the poor, as at present, of L.140,000, we must calculate on an outlay of L.800,000; and we must perceive, that in all probability, even that sum would gradually be exceeded, when a system, the expense of which is proved by experience to be naturally and irresistibly progressive, to an amount indefinite and unlimited, should be put in full and active operation.

It cannot with fairness be objected to the views now suggested, that we are considering the question ‘as a matter of pounds, shillings, and pence.’ This is one view of the question, although it has already been shewn that it is not the most important one. But truly the expense of a projected measure becomes a primary question, when the cost is evidently so large as to render the scheme impracticable, or at least ruinous to the country. And such must appear to be the nature of the project under consideration, when viewed in all its magnitude, and with the prospect of all its consequences. It is not, indeed, to be doubted, that with the experience of England before her eyes, Scotland would avoid some of the glaring errors, into which the administrators of the system, in that country, fell. But we are assured by her legislators of the present day, that these errors were naturally incident to the system—that it is radically and essentially vicious, and that the rules and plan of administration which our forefathers adopted in preference to those of England, are those which are rested on right principles, and on a secure foundation.

III. ARGUMENT FROM PRACTICE OF OTHER STATES ANSWERED.

With regard to the recommendation of a change of system, which is founded on the usages of other states, (detailed in the Quarterly Review, No. 109,) this view of the subject was noticed in my former publication, and the following remarks were then offered. ‘The lately discovered prevalence of assessment in many of the European nations, as well as among the United States of America, (Quarterly Review, No. 109,) can form no sufficient reason for the adoption of this measure, ‘by a people whose own experience, during many ages, has established the preference ‘due, *in their case*, to voluntary contributions, as the means of relieving the ‘ordinary poor.’¹ If we had no experience of our own, or if we had been taught by it, that our institutions are faulty, it might be wise to follow the usages of other states. But when the wisdom of our practice has been established, both in our own opinion, and in that of our neighbours, after an experience of upwards of a century and a half’s duration, we cannot be expected to be moved by the practice of other nations, of which we know little. We have learned that the neighbouring country, with whose law and usages we are best acquainted, prefers our system, not only to their own, but to the compulsory assessment in practice, as it appears, in other nations. We have learned, too, that the English, when about to amend their own law, enquired minutely as to the institutions in Scotland, but we do not hear of their having been swayed by a consideration of the laws and usages of the other countries now referred to.

IV. EFFECT OF ASSESSMENT, AND LEGAL RIGHT, ON POPULATION.

As to the effect, on population, of a general assessment, accompanied with increased allowances to the poor of all descriptions, and a legal right of relief conferred on able-bodied labourers out of employment, it is necessary to offer a few remarks.

Much argument has been brought forward to establish the proposition, that reck-

¹ Remarks, &c., p. 267.

lessness and degradation lead to improvident marriages, and to an increase of population, and in support of this proposition, evidence of the state of the poor in Ireland has been adduced. This view of the matter was suggested to Dr. Chalmers, when under examination before the Committee of the House of Commons on the state of the poor of Ireland. His answer merits attention. ‘ I am inclined to think, (says he,) that recklessness and degradation are more the causes than the consequences of poverty, and that the restoration of the prudential check is more directly arrived at by the operation of a moral influence, than by any economical arrangement.’¹

But admitting it to be proved, that the wretchedness and destitution of the poor in Ireland, frequently leads them to marry out of mere recklessness, and from a feeling that their situation cannot be rendered worse than it already is, it does not surely follow, that people of this rank will refrain from taking this step, if their condition is made less uncomfortable, and if they are provided by their parishes, with some of those necessaries, the possession of which may enable them to maintain a family. Recklessness and degradation may be *one* occasion of marriage, but they are not the *only* occasion of it. We need scarcely stop to observe, that it would have been more satisfactory, if the argument had been conducted with direct reference to the habits of the poor in Scotland, than by such constant allusion to the poor in Ireland, and then by drawing the inference from the case of the one to that of the other. There exists a great dissimilarity between them. But taking either of them as an example, it will be difficult to persuade us that large allowances, and a considerable degree of comfort, will strengthen the moral restraint against marriage. Let us attend to what Lord Brougham says on this subject, in the speech so often referred to. He notices the argument employed by some persons, ‘ that whilst there is no possibility of preventing by law improvident marriages among the poor, (and I admit there is none,) the poor laws furnish a preventive check. But (his Lordship adds) are those respectable persons really so short-sighted as not to perceive, that whatever little check the poor laws may in one view interpose, is immeasurably counterbalanced by their affording the greatest stimulus to population which the wit of man could devise—the most wilful and direct encouragement that possibly could have been discovered to improvident marriages? I verily believe, that the history of human errors can produce no parallel to the mistake into which these learned and ingenious persons have fallen. If you had to seek out the most efficacious means of removing every prudential check to population—nay, if you wish to accelerate its march by a wilful, I might almost say, a wicked, encouragement to heedless and imprudent marriages, and by a premium for numbers of children—you could not devise any more perfect, than are afforded by the poor laws, as administered in this country.’² It is true, that the former law held out encouragements, which, under the amended law, do not exist, but it cannot be admitted, that under any modification of the law, the preventive check to improvident marriages will be created or strengthened, by a compulsory provision for able-bodied labourers, when destitute of employment.

It has been remarked, that the fact of the English population not having been rendered redundant, by the existence of poor laws in the country for 250 years, is proved by the circumstance of L.2,300,000 having been suddenly withdrawn from the poor, after the amendment act, without material suffering on their part.³ But all that the fact now alluded to proves with certainty, is, that in consequence of the vicious system of the poor laws, multitudes of the people had become paupers, who had no just claim to parochial relief, and who were forced, and were able, to support themselves and their families by their own labour, immediately on the amendment act being passed. It does not follow from this, and would, indeed, be in the face of the clearest evidence, and of Lord Brougham’s declaration above quoted, that the law, as it stood, did not operate as an encouragement to marriage, and thus greatly increase the population, although the resources of the country have proved sufficient to sustain the increase.

In truth, it is impossible to devise any check of the description now treated of, to improvident marriages among the poor; and the sentiments of Dr. Chalmers on this topic, above quoted, are amply confirmed by experience. If, on the one hand,

¹ Dr. Chalmers’s Works, vol. xvi., p. 386.

² Corrected Report of the Speech of the Lord Chancellor, p. 21.

³ Observations, &c., by Dr. Alison, p. 77.

the poor are left destitute, they contract marriage from recklessness and in despair, as in Ireland. If, on the other hand, considerable parochial allowances are afforded them, and their comfort provided for, in future exigencies, by law, a direct encouragement to marry is held out. ‘Moral influence,’ more than any ‘economical arrangement,’ furnishes the ‘prudential check,’ which may be relied on. It is true, that those who are in a state of destitution will not readily listen to such considerations; but still they are the only considerations that reach the case, and cure the evil.

But enough has now been said on the influence of the poor-laws on population; and it is fair to admit, that, reviewing the evidence on this subject, Mr. Malthus, in his latest edition, appears to have considered the objection as not distinctly made out, to a precise and definite extent.

C O N C L U S I O N .

THE careful examination of this important subject, with reference to both the English and the Scotch Poor Laws, by a Committee of the House of Commons, as well as by a Commission, and in Parliament, while the Amendment Act for England was framing, and at the time of its enactment,—the evidence then brought forward as to the effects which the different systems have produced in the two countries,—the deep attention which was bestowed on the subject, by the most competent judges, at this period,—and the reasoning and reflections to which inquiry, thus conducted and thus instructed, gave birth,—have brought to light the only true principles on which the structure of Poor Laws can be founded with safety, but which, before this era in the history of these institutions, appear to have been little attended to, if not (in the practice of England at least) entirely overlooked.

The great axiom undoubtedly is, that no certain and fixed fund ought to be set aside for the poor, and declared by legal right to belong to them; more especially if the allowances are to be ample, as is proposed, and such as to secure the comfort of the class of the community for which they are destined. Such a provision, created by law, however strict and guarded may be the rules for the application of it, cannot fail, as human nature is constituted, to weaken the most powerful motives to exertion, and, at the same time, to subvert the foundation on which property rests.

The knowledge and experience acquired by our legislators and statesmen have led them to lay it down as a maxim, that ‘this right to share in a fixed fund is ‘the grand mischief of the poor laws, with the seeds of which they were originally ‘pregnant.’ I have elsewhere endeavoured to shew, that, in point of *legal right*, there exists a distinction between the obligation to relieve the ‘impotent,’ and the obligation to relieve the ‘industrious’ poor. And it has been owned, that in England, ‘as long as it was supposed that the law attached only to the impotent, to those who came within the description of old age, worn out faculties in ‘body and mind, or persons disabled by any accidental cause, and not to able-bodied persons,—so long, it must be admitted, that if the law was not an advantage, at all events it proved to be no detriment whatever.’¹ But I speak not at present of the legal right. In order to make way for a consideration of the moral effects of a fixed provision established by law for the poor, the power to impose this tax on the more opulent classes, as it is imposed in England, must be assumed. Then it is that we arrive at the Lord Chancellor’s conclusion, that to create such a right, and to hold out the prospect of a legal provision, is to sow the seeds of all the mischief of which the English poor laws have produced so abundant and destructive a crop. The evidence has proved, and the opinions formed on a review of that evidence, by the highest authorities in the state, have confirmed the proposition, that such a provision, created by law for the poor, gradually changes the character and the relative conduct, to each other, of the different classes of society. The absolute necessity of *workhouses* to controul the operation of this system, establishes beyond dispute the truth, in so far as the lower orders are concerned,

¹ Corrected Speech of Lord Chancellor, p. 8.

of the maxim now contended for. Wherefore this indispensable *test* of the justness of individual claims to relief, if the existence of the *right* did not give birth to, and blow into full maturity, these dispositions and propensities in the poorer classes, which wiser regulations and institutions would smother and suppress? And with regard to the richer classes, the doctrine is proved, by the falling off of the church collections in every parish in which an assessment is imposed, and the decay of that kindness and support from the relations and neighbours of the poor, which has uniformly marked the progress of this institution.

Now, the Scottish poor laws themselves, (according to my construction of them,) or the administration of these laws, as others will contend, (and it signifies not to the present argument which of these two views is correct) have shunned those evils which the poor laws of England have produced, and have left in the position which Providence intended them to occupy, the relative duties of the different classes of society to each other.

We have also seen, in the course of our enquiry, that there is another axiom, which is reckoned likewise of primary importance, in the administration of poor laws, but the recognition of which casts the greatest doubt on the chief object of the proposal under consideration,—a large augmentation of the allowances to the poor. The rule alluded to is, that the situation of the pauper ‘shall not be made so eligible as the situation of independent labourers of the lowest class.’ This, we have been assured, is ‘*the first and most essential of all conditions.*’ We have been told, that there are ‘those whose practice is at variance with it,’ but that even by them, ‘the principle is universally admitted.’

Whether the advocates for largely increased allowances in this country, would assent to the maxim thus laid down by the English Poor Law Commissioners, but would, at the same time, suffer the practice to be at variance with the admitted principle, does not appear from any thing that has, as yet, been stated by them. But it will evidently be difficult to reconcile the practice recommended, with the condition and principle declared to be indispensable. There are even peculiarities connected with the situation of the poor, and of the working classes, in Scotland, which would enhance these difficulties considerably, and must not therefore be overlooked. It is believed, that all over the west of Scotland, at present, the maintenance of natives of Ireland is already felt as a heavy burden. This evil, unless counteracted, will gradually extend over the country, lowering, as it spreads, the moral and physical condition of the people. In these circumstances, a large additional provison for the poor, would operate as a heavy tax on Scotch industry, and as a premium for Irish destitution. And, indeed, without any such influx of destitute strangers, very greatly increased allowances to the poor, would infallibly compel many independent labourers of the lowest class, and would, from a love of idleness, induce many more of them, to descend into the rank of paupers.

Thus may this measure, however strongly recommended by pity for the deserving poor, exert a prejudicial and powerful influence, in depressing independent labourers, and in multiplying the number of paupers. The increased allowances evidently require to be bestowed with the most scrupulous attention to the circumstances of each particular case in which relief is to be afforded—with patient and careful discrimination—with an observance of the salutary rules according to which parochial assistance has always been administered in Scotland—and with that kindness, yet strict enquiry, which is only to be expected from the members of our kirk-sessions, acquainted as they are with the poor of their districts, residing among them, and charitably disposed to bestow their time gratuitously in assisting and relieving them.

The other points of distinction between the Scotch and English systems, in the administration of each, as well as the general principles on which they are severally founded, and on account of which the preference has been given by the English themselves to the Scottish institutions, need not be here particularised, because they have been already fully stated, and because they all flow directly, and with certainty, from the same source. It must only be kept in mind, that, at the passing of the poor law amendment act for England, not only, on the one hand, were the Scotch institutions preferred as a whole, and declared to be worthy of imitation, but the preference was given to each particular part in its order, separately considered; and, on the other hand, the English system was acknowledged to have been founded originally on erroneous principles; and particularly those very parts of it which it is now proposed to introduce into this country, were admitted to

have originated in error, which long practice has, in England, unhappily rendered nearly irremediable.

While such are the defects of the English system, the only serious objection to the Scotch institutions that has ever been urged, arises from the difficulty of procuring, by means of voluntary contributions, a sufficiency of funds. But this obstacle to the success of the scheme, is chiefly occasioned by the growing tendency to assessment, and just furnishes an additional and weighty objection to this method of obtaining funds for the poor. An English poor law Commissioner, whose Report has been already referred to, has noticed the largeness of the church collections in the parish of St. John's of Glasgow, in comparison with those of the other city churches, and has accounted for the fact in this manner. ‘This, I have little doubt, is owing to the knowledge which the church-goers have, that the sole dependence of the poor is on the church collections. This is the case so uniformly in every parish I have visited, that it might be known whether the poor in any place in Scotland were supported by assessment, simply by an inspection of the amount of offerings at the church door.¹ Let us take the hint from this stranger. Put an end, wherever funds can possibly be obtained without it, to compulsory assessment. Assure the people that the church collections are the chief funds for the relief of the poor. Appoint deacons where necessary. Encourage and cherish this system, and the practice of private charity, instead of choking both, and destroying the means of both, by the chilling influence of an assessment.

Finally, I would earnestly impress on my countrymen, the duty of not hastily relinquishing the advantages which the wisdom of ages has matured for us, and which the most experienced of our practical men have highly valued. Rather let us use every exertion to overcome those difficulties under which the system labours, in consequence of the increase of population in the country. And let us hold fast the principles on which, as a safe and secure foundation, our institutions for the management of the poor are rested. In 1834, when the English were bringing forward their great scheme for the amendment of their poor laws, the Committees who prepared, and the legal authorities and statesmen who introduced the measure, all held up prominently to view, the Scottish system and administration, as a model which they admired, and purposed gradually to imitate. It was not to have been expected that within six short years, Scotchmen would have seriously proposed to return the compliment to England, instead of taking it in earnest, as it was really and with sincerity bestowed. This singular and extraordinary fact should warn us to be cautious and circumspect. It ought to teach us to be slow of believing that the cherished opinions of our ancestors are mere prejudices and delusions, unfitted for the present times, and such as it is unworthy of us to entertain. It should lead us patiently and carefully to reconsider the matter. Those who do so will, I am persuaded, become impressed with the conviction, that among our civil institutions, (for many of which, it is acknowledged, that our favour is not unreasonable), those which relate to the management of the poor, are entitled to high rank for their wisdom and sound policy.

¹ Report of E. C. Tuffnell, Esq., Appendix, No. III.

APPENDIX.

No. I.

REFLECTIONS OF 1839, ON THE NOW PROTRACTED EXPERIENCE OF PAUPERISM
IN GLASGOW—AN EXPERIENCE OF MORE THAN TWENTY YEARS, WHICH BEGAN
IN 1815, AND TERMINATED IN 1837.

(Extracted from Dr. Chalmers' Works, vol. xvi. p. 422.)

AFTER having left Glasgow in 1823, I ceased by correspondence, or otherwise, to exert any influence on the management of the pauperism of St. John's parish. There had been a constant disposition on the part of observers, to construe the result of our enterprise into a special skill and energy on my part—and that too when, all the time, I felt I had nothing to do, and did nothing, in the matter. The applications for relief never reached me, and were all of them met by the gentlemen who had been appointed as deacons in the various districts of the parish—and that too at a trouble and time to themselves, which cost them, according to their own testimony, only from two to three hours in the month. After this, to talk of some marvellous or preternatural energy being concerned in this process, is really to disguise the true secret of our prosperity—to cast an obscuration over the true principle and philosophy of the whole subject. Even while the minister of St. John's, I never meddled with the details of its pauperism, and there was no reason that I should interfere after my official connexion had terminated, and I had removed to a distant part of the country. There was every reason for the contrary; and the greatest reason of all was, if possible, to dissipate the misconception to which I have just adverted, and to convince the public, that it required but an invincible affection for the cause to ensure its success, even though with but every-day instruments operating upon every-day materials.

We recommend to the special attention of the reader, the testimonies of Drs. Macfarlane and Brown, as detailed in the evidence given by me to the House of Commons' Committee on Irish Pauperism.¹ They demonstrate the inherent soundness of the principles on which our system of management was founded, and amply confirm, or rather greatly exceed, all our predictions of its success—seeing that, from the very outset of our undertaking, every anticipation that we ventured to utter of its final success, presupposed certain conditions which we held to be indispensable—but which, unfortunately, have not been conceded to us. It now only remains to explain the circumstances under which the parochial system of St. John's parish, commenced in September 1819, and persevered in for eighteen years, was at length discontinued in 1837.

It will be observed from my letter to the Lord Provost,² that, while willing to enter immediately on the separate and independent management of the pauperism of St. John's, I specify certain conditions, as desirable and perhaps essential, to be granted me afterwards, in order to secure the final and permanent success of the enterprise. I did not insist on these at the time, because I did not choose to multiply obstacles, and so add to the hazards of a refusal in the way of my commencement; and also felt that a certain measure of success behoved to be realized ere I could require any further concession at the hands of the Magistrates and Council, who are the heritors of each of the city parishes. One of these conditions, it will be seen, was a law of mutual protection, between the parish of St. John's and the other parishes of Glasgow. That such a law would have been for the advantage of our own parish, speaks volumes for the mildness—and so, whenever it has been experienced, for the popularity of our system. The paupers who came in, greatly exceeded the paupers who left us. We had many more imports than exports; or, in other words, the balance was against the parish of St. John's. I should have desiderated a formal application, from the Session of St. John's to the Magistrates, for the establishment of a rule of mutual protection between the parish of St. John's and the other parishes of the city. The want of

¹ See No. 14th Question and Answer of my Evidence, and also No. 144.

² See No. 98 of my Evidence.

it subjected our own parish to a very heavy disadvantage, which must have proved discouraging to the administrators of its pauperism—who, however cheerfully they might have submitted to the burden of all that pauperism which was formed by themselves, might feel no longer responsible for the success of their own peculiar method, when, over and above, they were exposed to the addition of a pauperism formed by others without the limit of their own territory.

But this was far from the principal discouragement which stood in the way of our peculiar administration. There was still another, under the pressure of which, the continuance of the system was scarcely to be looked for. We had succeeded, within a very short time, in relieving the fund raised by assessment from all demands upon it for the poor of St. John's. More than one tenth of the city of Glasgow, and that the poorest of all its departments, ceased to be a burden on the Town Hospital. We drew no supplies from that institution for the behoof of our own parish—yet continued to be drawn upon as heretofore, up to our full share of the general assessment, for the poor of all the other parishes. We perhaps could not have obtained any secure exemption from this levy, but by an act of Parliament; and, accordingly, in my little work on “Eight Years' Experience, &c.” I state prospectively, or as far back as 1823, that it seemed indispensable for the continuance of our system, to obtain such an act—one of the provisions of which should be, that the poorer parishes, after they had made good the maintenance of their own poor by their own collections, should be wholly exonerated from the assessment for the poor of the city at large.¹ It would have proved a mighty encouragement to the administrators of the poor-money in St. John's, had the success of their enterprise been rewarded, by the exemption of all connected, either by residence or property in that parish, from a burden which continued to weigh on the residents and proprietors in all the other parishes. It was an immunity which they had earned, and to which they were well entitled by the service which they had performed. I claimed it from them in 1823; and, after being disappointed of this most legitimate expectation—instead of wondering that in 1837, they should at length have given way—I cannot but express both my gratitude and my surprise, that they should have persevered for fourteen years beyond this period, in their thankless and unrequitted task. When examined by a Committee of the House of Commons in 1830,² I expressed my apprehension for the continuance of the system, from the want of all public sympathy and acknowledgment in its favour; and more especially from this—that after the parish had ceased to be a burden upon the rate, the rate-payers of the parish were still burdened as before with the pauperism of other parishes than their own. I have again to thank the deacons of St. John's, that, for seven years after the utterance of this prediction, they still held together, notwithstanding the continuance of that heavy discouragement, which had long been the subject both of my complaints and of my fears.

As regards the result in the parish, our expectations were greatly overpassed; and here there was no disappointment. But we confess our disappointment, in regard to its effect upon the public. So long as our system was held forth only in argument, it was no more than natural that it should have been treated as a mere theory. But we did expect a different entertainment of it, after it was held forth in the demonstration of a living and practical experience. We did not lay our account with resistance to it in the one form, being succeeded by the listlessness and apathy of a downright indifference to it in the other. We fondly imagined, that, on passing from a dogma into a spectacle, it would have been followed up by many a resolute and well-sustained imitation. And nothing would more certainly have led to such imitation, than to have liberated that parish from an assessment, or from the expense of a compulsory pauperism, which had previously liberated itself from all dependence upon the supplies of a compulsory pauperism. But in the absence of such countenance, and of any reward, or rather of just recompence from without—however bitterly we may regret, we cannot resent, and far less remonstrate against the determination of the agents in this very peculiar administration, at length to give up their unhonoured and unrequitted agency. It is true that theirs was such an agency, as, if maintained by all, and never departed from in any single application for relief, would on the whole have kept theirs an easier task, than that of the office-bearers of pauperism in the other parishes of Glasgow. But if their labour through the year was lighter, in virtue of the much fewer calls to which they were exposed—this was an immunity which could only be upheld, at the expense of greater labour and vigilance and resolution, in the disposal of each individual call that was actually made to them. In every separate case, it were easier to give than to investigate; and let this temptation be only yielded to in a few instances—or let but two or three administrators, out of the more than twenty concerned in the management of a large and populous parish, relax, and that by very little, the style of procedure in their own districts; and it is quite in their power to overbear that general fund, which can only stand its ground, and be adequate for the expense of the whole parish, by a careful and

¹ See foot note towards the end of that pamphlet.

² See No. 144 and No. 150 of my Evidence.

strenuous administration thereof in each distinct section of it. We therefore wonder not at the dissolution of a system, which, in the midst of that discountenance and adverse example by which it was surrounded, would have required for its continuance a unanimous agency, all alive to the importance of their joint undertaking; but who could scarcely be expected so to feel, when the lesson they had been giving forth for years was bereft of almost all its importance—not from any want of inherent soundness or worth on its own part, but from the want of interest, from not being listened to and not appreciated, on the part of those who could alone have carried it forward to general adoption. The deacons of St. John's had cleared their own territory of all its compulsory pauperism, but they did not succeed in breaking that phalanx of resistance by which it was surrounded. They have finished their testimony—not willing to repeat it any more from year to year, now that they have found it so long to be like the voice of one crying in the wilderness. We are ambitious and sanguine enough to hope, that success in one parish might have led to a successful imitation in other parishes; and that thus in time the moral pestilence might have been altogether banished from Glasgow and its neighbourhood. But, failing this, we never conceived it possible, that one emancipated parish could long be upheld a singularity and a wonder, like an oasis in the desert; but that at length abandoned by the hands which had reclaimed it, it would soon be covered over again by the same noxious weeds, and be involved in the same noxious atmosphere by which it was surrounded.

And we have no doubt that this unfortunate crisis of our system was hastened by an event, for which the system itself is in no way responsible. About four years after its commencement, there was a chapel of ease erected for the east part of St. John's; and nearly half of the territory of the parish was assigned to it. The collections of that place of worship were originally destined for the pauperism of its own district; and we have no doubt, that, whether great or small, these may anywhere, by the power of the management, be made commensurate to all the general indigence of a place—if only the cases of institutional disease could be otherwise provided for. Now, it is well known that this chapel, as an ecclesiastical institute, was extremely unprosperous. Its revenue, proceeding from seat-rents, turned out to be miserably beneath the outlay for stipend and the other charges of the concern. It was in these circumstances a great temptation, so to arrange the matter with the proper authorities, that the Sabbath offerings might be applied, as in many others of our unendowed churches, to the ecclesiastical expenses of the establishment. But by this time the expenses of the pauperism were fully equal to the sum received by collection, and the transference of any part of this sum to another object, left so much of that pauperism without any other resource, than the general fund by which the excess is met and provided for in all the other parishes of Glasgow. And thus, after a separate and independent management of eighteen years, the parish of St. John's has again lapsed into the general system of Glasgow.

Yet we do hope that by this temporary evolution, permanent truth has been manifested. A lesson has been given, and given we think conclusively, on this great question. The experience earned in the actual field of this administration, that is, in the parish, can never be overborne by any change of inclination in the minds of the administrators—a very few of whom, by even a slight and almost insensible relaxation within their own spheres of management, could so easily break up the whole combination, and so encroach on the fund, as to make the continuance of the system impracticable. We again appeal to the recorded findings of the deacons in their respective districts—where, in contact with the human nature of the question throughout their several populations, the real and proper difficulties of the subject, when fully and fearlessly encountered, were all with such facility disposed of. That such a system should have lasted for eighteen years, that is, for two or three of the short-lived generations of Scottish pauperism, and in the midst too, of failures and discouragements on every side of it, is a phenomenon charged with principle, and which ought not to be forgotten. They who have patience for the study of it, may read therein the whole philosophy of the subject. But let me, in particular, solicit their attention to the treasurer's account of the whole operation, subjoined to these reflections. It will be seen, that the difficulties which terminated our system did not arise from a deficiency in the proper receipts of our pauperism beneath its proper expenditure; but from the alienation in part of these receipts to other objects. In the first place, the ordinary collections for eighteen years, and these for behoof of a population the poorest in Glasgow, and which increased during this period from 8000 to upwards of 12,000, amount to L.7,752, 11s. 4½d., as will be found by adding the two first sums in the column of totals. In the second place, the expenditure for these years, in the relief of indigence, amounts to L.6,595, 18s. 10½d., as will be found by adding the first to the fifth disbursement in the column of totals. In other words, the revenue exceeded the expenditure by more than a thousand pounds—this surplus having been spent, and more than spent, not on pauperism, but for educational and ecclesiastical objects. Those difficulties under the urgent feeling of which our system was at length terminated, would not have been experienced, had not the affairs of the deacon-

ship been complicated with other affairs, for which the pauperism is not responsible. For no less than eighteen years, did the produce of the collections at the church doors meet the pauperism of that large population, and leave the surplus of more than a thousand pounds for other objects, connected with the scholarship and moral interests of the parish. It would have been a still fairer experiment, and with a more prosperous result, had the expense of the lunatics and other cases of institutional disease, been provided for out of the assessment—as, on principles which we have repeatedly expounded, there is no objection, but the contrary, to the application of a legal fund for the relief of such objects as these. But seeing that so much was done, and for such a length of time, we do hope that the lesson will not be lost ; and that, as in the progress of Church Extension the subdivision of charges is carried forward, there will from our experience an argumentum à fortiori be drawn, for the introduction of the system into the then smaller parishes.¹ If in the parish of St. John's, with a growing population of from eight to twelve thousand, the average expenditure for eighteen years was less than L. 400 annually, and would certainly have not been more than L. 300, had the cases of institutional disease been otherwise provided for—what an irresistible practical argument does this afford for the practicability of the system, in those new parishes which are formed under the Church Extension Scheme—whenever, in return for an endowment from the State, we shall be enabled to give up the collections for the support of the poor. Even the largest expenditure in St. John's, for any single year, did not reach L. 50 for each thousand of the population. And we ask our inveterate opponents—whether does this furnish argument for the necessity of a compulsory provision, or does it prove how completely independent we should be of all such aid, were parishes enough subdivided, and churches enough multiplied? We never desire to see a larger parish than of 2000 inhabitants. In the proportion of the maximum expenditure of St. John's, for the worst year of the whole eighteen pending the currency of our experiment, the pauperism of such a parish would cost a hundred pounds a-year. So surely in the progress of Church Extension, might the assessment be altogether superseded by the collections at the church doors ; and as we plant our successive churches, might the sore evil of a compulsory pauperism be banished piecemeal from the successive territories—till, with the completion of our scheme, it would at length be made to disappear from the whole of Scotland.

So long as recurrence to the fund by assessment is possible, a temptation still lies on both parties in this administration—first, on the people to relax their providential habits, and keep up the same urgency of application for relief as heretofore ; and, secondly, on the agents to relax the style and strenuousness of their management. It is only when a resolute will on the part of the latter, makes the interdict on the compulsory provision as firm and sure as necessity itself would make it—it is only then that we have the opportunity of verifying what the state of a parish would be, should the compulsory provision ever come to be legally and conclusively abolished. The question does not hinge upon this,—whether the managers did or did not adhere to this resolution, but upon this,—whether, so long as the resolution was adhered to, the comfort and habits of the people were improved or deteriorated! The number of failures in the resolution of the managers goes for nothing—if it can be proved, that so long as there was no failure with them, there was no sensible falling off in the state of the people under their care ; but that both the system worked as easily and well (we believe more so), and that the families were under as sound and as good (we think better) an economy as before. The managers for the poor of St. John's are in the best possible circumstances for observation on these points. Some of them will recollect the state of matters anterior to 1819 ; and they will not have forgotten their experience during the currency of the undertaking from 1819 to 1837. But, last of all, they have now entered on the reverse experience of the old system again in operation ; and they can tell what the blessings are which have flowed in its train—or whether, in their consciences, they can say, that they witness any amelioration therefrom in the peace and contentment of the parish, or in the substantial well-being of its families. For ourselves we cannot but look on the period from 1819 to 1837, as a precious interval of light ; and though the lesson then given forth was unheeded at the time, and is now withdrawn from the observation of men refusing to be schooled by it—yet the truth it told is stable and everlasting, at least as abiding as is the constitution of humanity, or as are the laws of that nature which God hath given to us. It remains an article in our creed, proclaimed to successive students, for their guidance in their future parishes—that for the relief of general indigence, the charity of law ought in every instance to be displaced, to make room for the charity of principle and of spontaneous kindness.

¹ At the conclusion of our treatises on the Establishment and Extension of National Churches, we mean to offer our views on the extension of the church, as connected with the extinction of pauperism.

ABSTRACT of the Treasurer's Account of Receipts and Disbursements of the Funds of St. John's Parish, Glasgow, as applicable to the Maintenance of the Poor, Educational Purposes, &c., from 26th Sept. 1819, till 30th Sept. 1837.

RECEIPTS.

To Collections at Church and Chapel Doors.....	£7350	18	10
,, Do. at Church Doors from Evening Congregation.....	401	12	6½
,, Seat Rents from Evening Congregation.....	469	8	4
,, Legacies and Donations.....	241	6	11½
,, Town's Hospital, for the support of Poor found in the Hospital in September 1819.....	461	17	10
,, Collections for Religious and Charitable Purposes, not Parochial	1994	11	4½
,, Interest on Bank Account, and from City of Glasgow.....	357	2	1½
,, Rent of Mortcloth	60	9	9
,, General Session Fund for Education.....	389	6	6
,, Collections for St. John's Chapel Funds.....	400	7	0
,, Do. for St. John's Parochial Schools.....	632	1	9
,, Stirling Session, on account of a Lunatic Pauper.....	251	10	1
,, Lockhart's Mortification for Sabbath Schools.....	40	12	0
,, Collection for forming New Road through College Ground.....	10	0	0
,, Share of Dr. Bell's Legacy.....	39	0	0
,, Collections for Sabbath Evening Schools.....	77	12	8½
,, Pensioners, Allowance to their Families.....	287	5	10
,, Balance due to the Treasurer.....	229	8	0½

£13,694 11 8

DISBURSEMENTS.

By Paupers, Lunatics, Orphans, Foundlings, Coffins, &c.....	£6551	17	7½
,, Religious and Charitable Purposes, not Parochial.....	1994	11	4½
,, Cost of Mortcloth.....	82	8	6
,, Precentor and Beadle for Evening Congregation, Door-keepers, Lighting, &c.....	634	11	3½
,, Soup Kitchen and Coals for Poor.....	44	1	3
,, Prizes for Parochial Schools, Stationery, &c.....	183	10	1
,, Salary to the Rev. Mr. Irving, as Assistant.....	400	0	0
,, Sacramental Elements for St. John's Chapel and Evening Con- gregation.....	245	4	4
,, Teachers' Salaries, Education of Poor, Insurance, and Repairs on Schools.....	1902	19	10
,, Lent to City of Glasgow for Endowment of one Parochial School.....	500	0	0
,, St. John's Chapel Funds.....	401	10	0½
,, Support of a Stirling Lunatic Pauper.....	263	5	1
,, Sabbath Evening Schools from Lockhart's Mortification.....	40	12	0
,, Making New Road through College Ground.....	10	0	0
,, Interest.....	10	15	6½
,, Alterations on School for Dr. Bell's System.....	68	17	2
,, St. John's Sabbath Evening Schools.....	77	12	8½
,, Families of Pensioners from allowance.....	282	14	10

£13,694 11 8

No. II.

(Extracted from Dr. Chalmers' Works, vol. xvi. p. 436.)

Since writing the above reflections, I have received the following letter from William Buchanan, Esq., in reply to Queries sent to him some weeks ago. The views given in this communication are strikingly corroborative of the opinion which I have ventured to express, and to which I may again recur in a subsequent argument, on the connexion which might be established between the Extension of the Church, and the Extinction of Pauperism in Scotland.

GLASGOW, 27th July 1839.

REVEREND AND DEAR SIR,—When your much esteemed letter of the 11th inst. reached this, I was from home, and therefore could not answer it so soon as I could have wished. I now send an answer to your several queries.

Query 1st. Did the parochial system of the pauperism of St. John's cease at the end of the year 1837?—The parochial system ceased at the 30th September 1837, as you will perceive by the statement which accompanies this.

Query 2d. What expense, on the whole, was incurred for lunatics, illegitimate families of runaway parents, &c., by extracting which from the whole expenses of the deacons' cases, I will arrive at the nett expense on the whole for ordinary indigence?—The expense for the whole period for foundlings, illegitimate families, and families of runaway parents, was L.702, 6s. 9½d.; for lunatics, L.351, 1s. 4d.

Query 3d. When were the collections for St. John's chapel (now St. Thomas's church) applied to the new purpose of providing for the ecclesiastical expenses? And did not this change operate in determining the session of St. John's to give up their separate management for the poor?—The first collection which was applied to the ecclesiastical purposes of St. Thomas's, was on the 12th June 1837, and they have been applied so ever since. No doubt this change did operate to a very great extent in bringing the session of St. John's to the determination of giving up their separate management of the poor.

Query 4th. Was the proposal ever made to the authorities that you should have a law of protection from the paupers of the other parishes in Glasgow; and more important, for the exemption of the parish of St. John's from the general assessment?—The proposal was never made, as, from the feeling which was known to prevail, it was considered perfectly hopeless to obtain the concurrence of the authorities.

Query 5th. At all events, were not the deacons discouraged from persevering, by the want of public countenance, and by the slow progress, or none at all, of their system throughout the other parishes of Glasgow?—There is not the least doubt, that, as the scheme did not receive the countenance which we all thought it well deserved, both from the authorities and the Sessions generally, we were discouraged and did give it up. At the same time, we were all satisfied that it was a scheme quite practicable even in St. John's, increased as it was in population from 8000 to 12,000, and had proved this to a demonstration after eighteen years' experience.

Query 6th. Let me know what your experience was of your own limited proportion, and whether you would not have found a continuance of our system quite practicable there?—I think I have answered this above. I have never ceased to say, that if an agency was organized in each parish, even in Glasgow, for the effectual management and oversight of the poor, both for education and *ordinary* pauperism, that in a very short time there would be no necessity for a poor's house or an assessment, as collections would be made at church doors quite adequate to all the wants of the deserving poor. And while I live, it will afford me a pleasant reflection, that I have been permitted to take a share in a work such as we carried on in St. John's for eighteen years, at once so very practicable and philanthropic.

No. III.

(Extracted from Dr. Chalmers' Works, vol. xvi. p. 437.)

We hold it a proper sequel to these remarks, that we now present our readers with the latest testimony which has come to our notice, in regard to the workings of our system in St. John's—that of E. C. Tufnell, Esq., an English Poor-Law Commissioner, who visited Glasgow at the end of the year 1833.

GLASGOW.

The city of Glasgow, though legally one parish, is divided, for the sake of convenience, into ten distinct parishes, each with its separate church, minister, and kirk-session. The law of settlement, however, does not apply to protect one of those districts from the influx of poor out of another, as a pauper, who has a settlement in one of the ten parishes, has a right, on removing into another, to demand immediate relief from its kirk-session, in the same way as if he had always resided within its jurisdiction. It is of importance, with respect to what follows, to note this, as it has the effect of equalizing the mode of treating the poor by the several parochial authorities, since, if any parish is harsher or kinder towards the applicants for relief than its neighbours, it is quickly remonstrated with as throwing off the burden of supporting its poor on other parishes, or is itself overwhelmed with paupers.

The poor are supported from two sources,—the church collections and the assessments ; which latter is levied from all the inhabitants who are supposed to be worth L 300 and upwards, according to their means and substance.

Every parish is divided into a certain number of parts, over each of which an elder presides, and to him any person in his district requiring relief applies ; upon this the elder closely investigates the applicant's condition, ascertains whether he can do any, and what work, whether he receives any pension or support from any society or charity, in short, every thing relating to his claims and resources ; and if he is satisfied that there are grounds for giving relief, he reports the case to the kirk-session to which he belongs, which, if they see fit, order such a sum to be given as the case may require. The sum is always extremely moderate, never exceeding five shillings a-month ; and if the pauper is unable to maintain himself with this assistance, he is handed over to the Town Hospital, by which institution he is henceforth supported, and his allowance from the kirk-session instantly ceases, as a pauper is never permitted to be paid from these two sources at once.

The Town Hospital is to all intents and purposes a poor-house, and would be so termed in England.

With the exception of L.450 per annum from corporate bodies, the interest of L.3511 of stock, and some other small casual sources of income, it is entirely supported by the assessment, the whole amount of which is paid over, in the first instance, to the directors of the Hospital. No persons are allowed to remain within it, but such as from their age and infirmities are totally incapacitated from supporting themselves ; also, those lunatics and idiots who are not sent to the asylum, are kept within its walls. Besides the inmates, there are large numbers of out-door poor supported by it, who are paid partly in meal and partly in money, and who, in the year ending August 1831, amounted to 475 families and individuals.

The funds of the kirk-sessions arise from offerings at their respective churches, but these are seldom sufficient for the demands made on them, though they have only to pay those whose necessities are not supposed to require above five shillings a-month ; they are consequently allowed to draw for the deficiency on the funds of the Town Hospital, that is, the assessment. Hence the first stage in the history of a pauper is an application, through an elder, to the kirk-session of his parish, by whom he receives a certain amount of relief, which is raised according to his wants till it gets to five shillings a-month : he is then, should he be unable to subsist on this, sent to the Hospital, by which he is maintained perhaps as an out-door pauper on a greater allowance, till, becoming friendless or decrepid, he is taken into the house.

Such was the state of things when Dr. Chalmers began his reform, except in one particular. The whole of the collections from all the city churches used to be paid into the hands of the general session, a body consisting of a union of all the ten kirk-sessions, and which was in the habit of distributing these collections among the several kirk-sessions, according to the applications which they respectively made on behalf of their poor. Thus, whatever the collection may have been in any parish, the poor of it were neither benefited by its size, nor injured by its smallness, as whatever sum it applied for was drawn through the general session, and paid without observation, whether the sum demanded was greater or less than its collection brought into the general fund. Hence there was no stimulus in the congregation of any church to increase their offerings on any increase of their poor, since nine other parishes would equally share in the benefit of any addition collected, and, similarly, a falling off in their donations would comparatively little affect them.

Dr. Chalmers, previously to commencing his reforms in the management of the poor, took the whole of his church collections out of the general fund, so that his kirk-session might have the sole disposal of them.

When, however, this change was made in St. John's parish, it drew nothing from the assessment directly, as its sessional poor, that is, its poor who did not receive above five shillings a-month, only cost L.225 annually, while its collections amounted to L.400 ; consequently, by the new arrangement, L.175 was withdrawn from the general support of the poor of the city. In return for this advantage, Dr. Chalmers promised to send no more poor to the hospital, but to provide for all his parochial poor within his own parish, supporting them solely by his church collections. Thus, the St. John's poor that were already in the hospital would gradually die away, and not being replenished, so far as this parish was concerned, the assessment would be entirely useless, and laid on for no purpose whatever, except to support the poor of the other nine parishes.

This system has been attended with the most triumphant success for thirteen years ; it is now in perfect operation, and not a doubt is expressed by its managers of its continuing to remain so. The poor which St. John's had in the hospital have diminished by deaths to four, and even the expense of maintaining these is paid for by the parish out of its collections, consequently it has to undergo the hardship of being assessed for the support of

the poor, without receiving a farthing's benefit from the money so raised, as not a single pauper belonging to it is maintained by the assessment.

The chief virtue of the new system seems to consist in the closer investigation which each new case of pauperism receives, by which means the parish is prevented from being imposed on; and as it is well known by the poor that this severe scrutiny is never omitted, attempts at imposition are less frequently practised. The laxity of the old management, and utility of this investigation, may be exemplified by what occurred when it was first put in practice. As all the St. John's sessional poor were closely examined, it was thought unfair not to bring their out-door hospital poor, which the old system had left, to the same scrutiny; when it was discovered that many persons were receiving relief who had no claim to it, and who were consequently instantly struck off the roll: one man was found in the receipt of a weekly allowance who had eight workmen under him. It may safely be averred, that under the present management such an instance could not possibly occur. It is right, however, to mention, that in the other Glasgow parishes a much closer attention is bestowed on each case of pauperism than formerly.

In spite, however, of this success, the lovers of the old system still oppose the new as keenly as ever; and there seems to be as much difference of opinion in Glasgow at present respecting its merits as when it was first established. Amidst these conflicting statements, it would be presumptuous in a stranger to give an opinion, except so far as it is drawn from facts, and these, it seems, are all in favour of it. In proof of this, I must request the attention of the Commission to the annexed table. The three first columns are extracted from Dr. Cleland's work on the statistics of Glasgow and Lanarkshire; the three last are from documents prepared at my request by the parochial officers of the respective parishes. The date to which these last columns have been made up is the year ending the last day of August 1832.

	1.	2.	3.	4.	5.	6.
Names of Parishes in the City of Glasgow	Population in 1831.	Number of Servants.	Number of Irish.	Money drawn from the Assessments.	Church Collections.	Number of Sessional Poor.
St. George's.....	15,242	1,109	1,212	125	294	123
St. John's.....	11,746	203	2,311	none	482	72
St. Mungo's.....	10,295	311	865	330	56	169
Outer High.....	9,137	389	781	287	138	171
St. James's.....	8,217	453	1,835	85	180	121
St. Enoch's.....	7,921	567	1,057	none	351	130
Blackfriar's.....	7,569	179	1,017	424	61	219
St. Mary's.....	7,529	299	2,177	324	112	185
St. David's.....	6,268	630	176	none	158	79
St. Andrew's.....	5,923	302	1,123	146	89	80

The first column contains the parishes, placed in the order of their population; the second and third are given as a test of their respective wealth and likelihood of poverty, the former of which is not inaccurately shown by the number of servants in each parish, and the latter by the number of Irish, which here, as everywhere else in this part of Scotland, form the bulk of the poorer classes. The fourth column gives the sums which each parish draws from the assessment, to make up the deficiency left by its church collection in maintaining its sessional poor.

It will be perceived that St. John's is the second in population, but that it contains fewer servants than any other parish except Blackfriar's, which falls far below it in point of numbers. Hence it is by much the *poorest* parish in Glasgow.

Again, the Irish are in greater numbers here than in any other parish. Hence it has its full share of the elements of pauperism.

Proceeding to the fourth and fifth column, we find that it takes nothing from the assessment, and collects more than any other parish.

By the last column we come to the extraordinary fact, that, in spite of its population, its poverty, and its Irish, it actually has *fewer paupers* than any other parish in Glasgow;

and the only one that approaches it in this respect is St. David's, which contains little more than half the population of St. John's.

This, however, is not all: every other parish has a considerable portion of its paupers maintained by the Hospital; St. John's has only four within the walls of this institution, and these it pays for out of its collections. It is impossible to tell from the Hospital accounts to what parishes those persons it supports belong. Last year this institution maintained under its roof 420 persons, and of out-door poor 475 families and individuals; these 895 recipients of charity are referable to all the parishes except St. John's, and should be distributed according to their parishes along the sixth column of the table, assigning only four to St. John's, in order to show the true amount of the pauperism of each parish.

The Hospital entails on the city a considerable annual expense, which amounted last year to £.7614, raised chiefly by assessment. This assessment is levied on St. John's in the same way as on the other parishes, and it is naturally felt as a great hardship by its inhabitants, that they should be compelled to support an Hospital from which they receive no benefit; that though their parish is the poorest in the city, they should be obliged to maintain not only their own paupers, but also to contribute to the support of those belonging to other and far richer parishes.

When this system was begun, it was declared by its opponents that it could not last, but it has lasted for thirteen years; that it could only exist under Dr. Chalmers, but it has existed equally well under his two successors, Dr. Macfarlane and Dr. Brown; that in no other church so large offerings could be collected, as an undue proportion of rich attended St. John's church. This, I am assured by the residents, is incorrect, and that the congregation is not richer than an average one. During Dr. Chalmers' incumbency, the large amount of the collections was doubtless partly owing to his popularity, as they have since declined on the average; but by an inspection of the fifth column of the table, it will be seen that they at present far exceed what is given in any other parish. This, I have little doubt, is owing to the knowledge which the church-goers have, that the sole dependence of the poor is on the collections. This is the case so uniformly in every parish I have visited, that it might be known, whether the poor of any place in Scotland were supported by assessment, simply by an inspection of the amount of offerings at the church door.

It has been said, that since the parishes of Glasgow are not protected against each other's poor by the law of settlement, the small number of the St. John's paupers is owing to their poor being mostly driven out of the parish by the harsh treatment they receive. Before this system was commenced, so confident was the founder of it, that the reverse would take place, that the poor would prefer instead of avoiding his parish on account of the different mode of treating them, that he actually stipulated, in a letter to one of the magistrates, published at the time, that the law of settlement should take effect between his parish and the other parishes; in other words, that he should be protected from the influx of paupers from other parishes, which in return were to be similarly protected against his own. And so correct were his anticipations (the stipulation not having been agreed to), that in the first three years of the existence of the reformed plan, twice as many paupers came in as went out; and one of the managers assures me, that a constant preference seems given by the poor to St. John's above other parishes, on account of the different way of treating them; at any rate there is no disinclination to dwell in it.

The essence of the St. John's management consists in the superior system of inspection which it establishes; this is brought about by causing the applicants for aid to address themselves, in the first instance, to persons of station and character, whose sole parochial duty consists in examining into their condition, and who are always ready personally to pay a kind attention to their complaints.

This personal attention of the rich to the poor seems to be one of the most efficient modes of preventing pauperism. It is a subject of perpetual complaint that the poor do not receive the charities of the rich with gratitude. The reason of this appears to be, that the donation of a few shillings from a rich man to a poor one is no subtraction from the giver's comforts, and consequently is no proof of his interest in the other's welfare; it seems natural and reasonable that there should be some proportion preserved between the gratitude felt for a favour conferred, and the difficulty or inconvenience that the doer of it is put to in conferring it. If the rich give their time to the poor instead of their money, they part with a commodity which the poor see is valuable to the givers, and consequently esteem the attention the more, as it implies an interest in their prosperity; and a feeling seems to be engendered in their minds of unwillingness to press on the kindness of those who thus prove themselves ready to sympathize with them in distress, and to do their utmost to relieve it. This feeling acts as a spur to the exertions of the poor; their efforts to depend on their own resources are greater, and consequently the chance of their becoming dependent on the bounty of others less.

In St. John's parish this personal attendance on the poor is carried to the greatest possible extent; every application for assistance is sure to be met with patient attention, as

far removed as possible from magisterial haughtiness, and instead of the continued bickerings between the overseer and the objects of relief, which frequently characterise the administration of an English parish, a friendly intercourse between rich and poor ensures to the latter a ready relief and a just appreciation of their distresses, to the former, that their bounty will not be abused, or their attentions be undervalued or unacknowledged.

The southern suburb of Glasgow, the whole of which usually passes under the name of the Gorbals, contains a population exceeding 40,000 inhabitants. Till very lately the old Scottish system of non-assessment prevailed in this district, and its good effects were displayed in a manner perhaps more remarkable than in any other part of Scotland. In 1818, a distinguished writer, after mentioning some instances in support of the position, that the real wants of the destitute may safely be left to the spontaneous efforts of private charity for their relief, speaks of this suburb in the following terms:—

" But all these minor cases of illustration are lost and forgotten in the princely example of Scottish independence held out by the Gorbals of Glasgow, a parish of which we are substantially correct as to the argument, when we say, that it extends not by a single inch beyond the masonry of its works and its dwelling-houses; a parish of which we believe that it claims not a single acre of ground beyond the site that it is built upon; a parish, at all events, which has not one fraction of territorial revenue or importance attached to it, but which includes within the little sweep of its boundary, a busy and industrious population of nearly 20,000 individuals. Had it stood by itself, we confess we should not have looked on the history as in any way miraculous: but standing as it does within the walk of one minute from a great pestiferous vomitory, that sends a withering influence on every side of it upon all that is delicate or noble in the character of our Scottish population, it would be a most violent suppression of the gratitude and estimation which are felt by us did we refuse to acknowledge that though we had travelled for evidence, over the whole length and breadth of our land, we could not have met a more wondrous or substantial testimony than the one which this parish affords. And when it is told that the average of its regular annual expenditure is a gratuitous sum of L.350, and that the whole sum required for the extraordinary wants of last year was L.835, which was also raised by voluntary subscription, and that among the administrators for the poor, who does not feel a desire that this stately monument of the truth may ever remain unimpaired; that, standing on the brink of a great moral contagion, it may serve as a protecting vanguard of resistance to the country in its rear, and be our proudest bulwark of defence against such an invasion as England has long been threatening, and in which, if she succeed, she will do more to destroy and to desolate our land, than she ever has done or ever could do by the invasion of her arms."

The desire of the writer has not been granted; and this "stately monument of the truth" is now in process of rapid decay. Great part of the district was assessed, for the first time, in 1824, and the remainder in 1827, and already the evil of the change has become apparent. This year the assessment amounted to L.1900, which, with the collections, proclamations, and funeral donations, make the total of the poor's funds L.2180. The population, since 1818, has not quite doubled; and since, at that time, as above stated, the average annual expenditure for the poor did not exceed L.350, the present cost for their relief shows an increase of more than six-fold. All the evidence that I have been able to collect from the residents goes to prove the fact, which is corroborated by so many other examples, respecting the baneful influence of assessments on the morals and numbers of the poor. The reluctance to apply for parochial charity has greatly diminished pride and independence of spirit is fast vanishing; and the general inorality perceptible on the decline. Since, in the short time that has elapsed subsequently to the first laying on of the assessment, the poor expenditure has increased with the extraordinary rapidity as above stated, it may be predicted, that if a change is not quickly made in the method of management, containing, as it does, in the vast numbers of its humble inhabitants, all the elements fitted to provoke the evil, it will become one of the worst-conditioned parishes in this part of the kingdom; and this "princely example of Scottish independence" turned into a receptacle of pauperism, misery, and vice.